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NATIONAL ARCHIVES MICROFILM PUBLICATIONS

APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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MISSISSIPPI CHOCTAW MCR 26- MCR 84

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MCR 26

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RECORD FORWARDED DEPARTMENT

FEB 6 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT.

FEB 6 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

APR 10 1902

REFER TO M. C. R. 25

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

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In the matter of the application of William Jefferson Tidwell for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - William Jefferson Tidwell.
Q - How old are you? A - I am 26.
Q - What is your post office address? A - Purdy, I.T.
Q - How long have you lived in Purdy? A - I have lived near Purdy 15 years I guess.
Q - Have you lived 15 years in the Indian Territory? A - Yes, sir, I have been here ever since I was 5 years old.
Q - Where did you live before coming to the Indian Territory?
A - In Montag County, Texas.
Q - Were you born in Texas? A - Yes, sir.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father. A - Kinney Tidwell.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A - Yes, sir, he claims to be.
Q - What proportion of Choctaw blood does he claim to have?
A - 1/8 I believe.
Q - Is his name on the Choctaw Tribal rolls? A - No, sir.
Q - Has he ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - Not that I know of.
Q - What is the name of your mother? A - Marthena Tidwell.
Q - Is she living? A - Yes, sir.
Q - Is she a white woman or a Choctaw Indian? A - She claims to be a Choctaw.
Q - What proportion of Choctaw blood does she claim to have?
A - About 1/16 I believe.
Q - Does her name appear on any of the Choctaw Tribal rolls?
A - No, sir.
Q - Has she ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir, I guess not.
Q - What proportion of Choctaw blood do you claim to have?
A - 1/16.
Q - Has your name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Tribal authorities of the Choctaw Nation as being a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896 for enrollment? A - No, sir.
Q - Is this your first application? A - Yes, sir.
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - Under all the treaties from 1830 up.
Q - Under all the treaties from 1830? A - Yes, sir, that is applicable to your Choctaw business.
Q - You don't base your claim, as I understand it, upon any particular article of any particular treaty? A - No, sir.
Q - Do you claim anything under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir, I don't know anything about it.
Q - Did you ever take advantage of the provisions of this article? A - No, sir.
Q - Did any of your ancestors ever take advantage of the provisions of this article? A - Not that I ever knew of.
Q - Did you or any of your ancestors ever claim or receive any

land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.

Q - Are you married? A - Yes, sir.

Q - You claim your wife is an intermarried Mississippi Choctaw do you? A - Yes, sir.

Q - By any particular treaty? A - No, sir.

Q - What is her name? A - Sallie G. Tidwell.

Q - What is her father's name? A - Geo. W. Wood.

Q - Is he living? A - Yes, sir, he is living.

Q - What is the name of your mother's mother? A - Her name is Nancy E. Wood.

Q - Is she living? A - Yes, sir.

Q - Your wife's father and mother are white people, are they?

Q - Yes, sir.

Q - Your wife doesn't claim to be a Choctaw Indian? A - No, sir.

Q - Under what law did you marry? A - I married under United States law.

Q - Where? A - I married near Purdy.

Q - When? A - In 1893.

Q - Have you your marriage license and certificate with you?

A - No, sir, I haven't.

Q - Have you got any children? A - Yes, sir.

Q - Are you claiming any rights for your children? A - Yes, sir

Q - What do you claim your children to be? A - I claim her to be 1/16.

Q - 1/16 Mississippi Choctaw or what? A - Mississippi Choctaw.

Q - Does your child's claim have the same foundation as your own? A - Yes, sir.

Q - What is its name and age? A - His name is William B. Tidwell, 3 months old.

Q - Is there any additional evidence in regard to your case you would like to offer at this time? A - No, sir.

Q - Do you desire to file any papers with the Commission?

A - No, sir, not at present.

Q - In the event that you may desire to file any additional evidence in the form of statements, affidavits or other proper papers in the future, you will be permitted to do so.

The testimony in this case and such papers as may be filed with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration and examination when the rolls of the citizens of the Choctaw Nation are sent to him for final consideration.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw, or your wife as an intermarried Mississippi Choctaw.

You will be furnished with a copy of the decision of the Commission in extenso through the mails later on.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above witness, and that the foregoing is a full, true, and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 25 day of June, 1900.

Commissioner.

W.C. 26

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Jefferson Tidwell for the enrollment of himself and child as Mississippi Choctaws and for the enrollment of his wife as an intermarried Mississippi Choctaw.

The applicant, William Jefferson Tidwell, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900 and from his oral testimony given at that time in behalf of his own claim for identification as a Mississippi Choctaw and a claim that he makes for his minor child, William B. Tidwell as a Mississippi Choctaw and a claim that he makes for his wife, Sallie G. Tidwell, as a intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September Twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1896, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choc-

taw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of William Jefferson Tidwell, on his own behalf and on behalf of his minor child, William B. Tidwell, and on behalf of his wife, Sallie O., Tidwell as an intermarried Mississippi Choctaw is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3, 1900.

Muskogee, Indian Territory, November 22, 1901.

Wm. Jefferson Tidwell,

Purdy, Indian Territory.

Dear Sir:

In the matter of the application for identification of yourself and minor child as Mississippi Choctaws, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with the instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, January 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-26

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 6, 1903.

William Jefferson Tidwell,

Purdy, Indian Territory.

Dear Sir:

You are hereby advised that on the 22th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Kinney Tidwell, et al., embracing the following applications for identification as Mississippi Choctaws:

Kinney Tidwell, et al.,	M.C.R. 25
Warren White, et al.,	M.C.R. 23
William Jefferson Tidwell, et al.,	M.C.R. 26
Rosa Travis, et al.,	M.C.R. 28
Armenia Lawrence,	M.C.R. 29
Mathew Philip Tidwell, et al.,	M.C.R. 30
William Leonard Tidwell, et al.,	M.C.R. 31
John R. Robertson, et al.,	M.C.R. 32
William A. Woods, et al.,	M.C.R. 18
J. W. Woods, et al.,	M.C.R. 19.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under

W. J. T., R.

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Kinney Tidwell, Matthew Tidwell, Mariah White, Madison Kamler Tidwell, William Jefferson Tidwell, William B. Tidwell, Isaac Franks, William Franklin Hudson, Armanda Leverette, Mathew Philo Tidwell, Ive Myrtle Tidwell, Mary Lillian Tidwell, Bessie Lee Tidwell, William Lennie Tidwell, John R. Robertson, Lillie May Robertson, William A. Woods, William Allen Woods, Thomas Manner Woods, Laurence Leslie Woods, J. W. Woods, William J. Woods, Myrtle E. Woods, and Maggie M. Woods, as Choctaw Indians entitled to rights in the Choctaw Lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for the applicant withdrawing the application made by William Jefferson Tidwell for the identification of his wife, Sallie G. Tidwell, as an intermarried Mississippi Choctaw, and that upon said motion said application was dismissed by the Commission, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Mathew Philo Tidwell for the identification of his wife, Magie Tidwell, and by William Lennie Tidwell for the identification of his wife, Catherine Tidwell, and by J. W. Woods for the identification of his wife, M. E. (or Etter) Woods, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

W. J. T., 2.

Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). James Bixby.

Acting Chairman.

E.C.R. 26.

Registered.

M.C. 26

Muskogee, Indian Territory, February 17,1902.

Jeff Tidwell,

Purdy, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twelfth instant in which you ask if K. M. Tidwell, William Jefferson Tidwell, Amanda Leverett and Emma Franks were placed upon the roll or not.

In reply to your letter you are informed that on January 29, 1902, the Commission rendered its decision refusing the application for identification as Mississippi Choctaws of K. M. Tidwell, William Jefferson Tidwell, Amanda Leverett and Emma Franks, and on February 6, 1902, each of the applicants above named was notified of the action of the Commission in refusing their applications.

Yours truly,

Commissioner in Charge.

M.C.R. 38

Muskogee, Indian Territory, April 10, 1902

William Jefferson Tidwell,

Purdy, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Kinney Tidwell, et al., of which decision you were duly advised by registered mail on February 6, 1902.

Yours truly,

Commissioner in Charge

Wm Jefferson Tidwell et al

vs.

Choctaw Nation

Miss Choc Case No. R 26

Original testimony and all papers filed in this case forwarded Secretary of Interior,

December 3, 1900

Sallie Ly Ridwell.

As an intermarried Mississippi Choctaw

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED.

JUN 13 1900

MEMORANDA.

JAN 13 1900

(Date) June 13, 1900.

Name Wm. Jefferson Tidwell (reg) Purdy, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/16) Mother's citizenship Choc. (1/16)

Intermarried citizen? ..... (M.S.)

Married under what law? .....

License filed this day .....

Wife's name Sallie G. Tidwell,

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes.

Married under what law? .....

License filed this day .....

Geo. N. Wood, (father)

Kancie E. Wood, (mother)

Names of children:

William B. County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

FOR IDENTIFICATION IN A MISSISSIPPI CHOCTAW

Personally appeared before me and testifying at Collins, June 13, 1900.

Kinney L. Tidwell, (father) (1/8)

Martheria Tidwell, (mother)

FOR [illegible]
A MISSISSIPPI CHOCTAW

26

REFUSED

Wm Jefferson Tidwell [illegible]

Opinion rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
AUG 3 1900

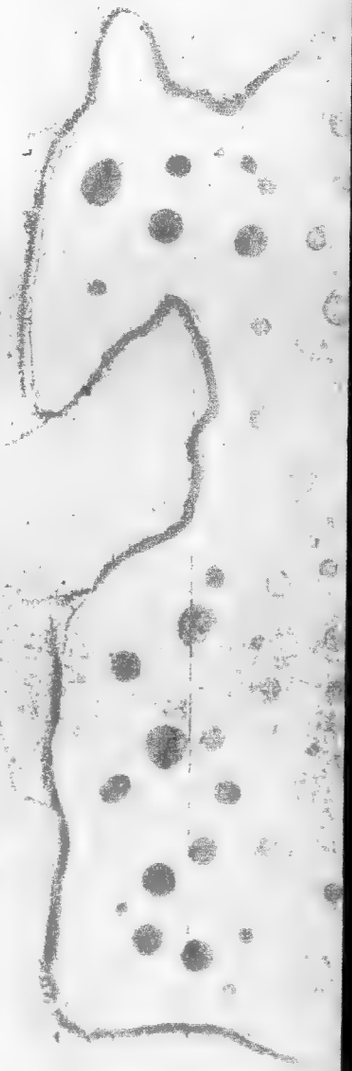
ACTING CHAIRMAN.

61036	Indian Office. 11	1900

RECORD FORWARDED DEPARTMENT.
FEB 6 – 1902

choc mcR 27 Laura Brooks

mcR 27



R. A.

REFUSED.

DECISION RENDERED APR 15 1902

NOTICE OF DECISION MAILED APPLICANT.

APR 19 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

APR 19 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

APR 19 1902

RECORD FORWARDED DEPARTMENT.

APR 19 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

MAY 1 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 9 1902

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

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In the matter of the application of Laura Brooks for the enrollment of herself and children as Mississippi Choctaws, and for the enrollment of her husband as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q - What is your name? A - Laura Brooks.
Q - How old are you? A - 46.
Q - What is your post office address? A - South McAlister, I.T
Q - How long have you lived at South McAlister? A - 2 years.
Q - When did you first come to the Indian Territory? A - 18 years ago.
Q - Have you lived in the Territory continuously ever since?
A - No, sir.
Q - You say you have been living in South McAlister for 2 years, when did you first come to South McAlister? A - In May, 1898.
Q - Where did you come from? A - Missouri.
Q - How long had you been living in Missouri? A - 20 years.
Q - Where did you live before that? A - In Mississippi.
Q - Were you born in Mississippi? A - Yes, sir.
Q - How many years did you live in Mississippi? A - All my life, until I was married.
Q - How old were you when you were married? A - I was 16.
Q - Then you lived in Mississippi from the time you were born until you were 16? A - Yes, sir.
Q - What was the name of your father? A - Cyrus Wilson.
Q - Is he living? A - No, sir.
Q - Was he a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw Indianblood did he claim to have? A - 1/4.
Q - Was his name ever on the Tribal Rolls of the Choctaw Nation? A - I don't know.
Q - Was he ever recognized by the Tribal authorities as a Choctaw Indian? A - I don't know whether he was or not.
Q - What was the name of your mother? A - Sarah Smith, she is married a second time to Whitehead.
Q - She is living? A - Yes, sir.
Q - Is she a white woman? A - Yes, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - I claim to have 1/8.
Q - Has your name ever been on the Choctaw Tribal Rolls? A - No, sir.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - Is this your first application? A - Yes.
Q - You claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - 1830, I suppose.
Q - Do you claim under any other treaty? A - I don't know anything about them.
Q - What makes you think you are a Mississippi Choctaw? A - Because my father was and I was born and raised there in Mississippi and he was a Choctaw.
Q - That is the only reason you have for thinking you are a Mississippi Choctaw, because your father lived in Mississippi and you were born and raised in Mississippi? A - Yes, sir, and he was a Choctaw.

Q - You don't claim under any particular article? A - I don't understand these articles.

Q - If I understand you correctly, you don't claim under any particular article of any particular treaty? A - No, sir.

Q - You make a broad claim, of being a Mississippi Choctaw, and claiming under all the treaties since 1830, is that right?

A - Yes, sir.

Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A - No.

Q - Did any of your ancestors ever take advantage of the provisions of this treaty? A - Not that I know of.

Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the Treaty of 1830?

A - I don't know whether they did or not, I never did.

Q - As to your ancestors you don't know? A - No, sir.

Q - Are you married? A - Yes, sir.

Q - Are you claiming for your husband? A - Yes, sir.

Q - What do you claim him to be? A - An intermarried Mississippi Choctaw.

Q - What is his name? A - William Brooks.

Q - How old is he? A - He is 52.

Q - When did you marry him? A - In 1874.

Q - Did you marry him under Choctaw law? A - Under Mississippi Law.

Q - Where did you marry him? A - In Mississippi.

Q - Have you your marriage license and certificate? A - No.

Q - What is the name of his father? A - Isaac Brooks.

Q - What was the name of his mother? A - Elizabeth Brooks.

Q - He is a white man, is he? A - Yes, sir.

Q - He never claimed to be an Indian? A - No, sir.

Q - Have you any children under 21 years of age? A - I have one.

Q - Do you claim anything for these children? A - Yes, sir.

Q - What do you claim it to be? A - A Mississippi Choctaw.

Q - Does its claim have the same foundation as your own? A -Yes

Q - What is its name and age? A - Nellie, age 12.

Q - Is there any additional statement in regard to your case you would like to make at this time? A - No, sir.

Q - Are there any papers you would like to file? A - These.

By Applicant's attorney: You said you didn't know whether your parents had taken any land or not, don't you know of your father's estate in land in Mississippi that is still unsettled? A - Yes, my grandfather's estate.

Q - Have you any relatives on the roll? A - Yes.

Q - What are their names? A - Jennie Brazell, my full sister and her family.

Commissioner Bixby: How did Jennie get on the rolls? A - The Dawes Commission enrolled her.

(The records examined and it is found that Jennie Brazell was enrolled by this Commission on Field Card No. 3034 of the Choctaw Roll as having been admitted by the United States Court at South McAlester, August 24, 1897, case No. 96.)

Q - You say that your grandfather has an estate in Mississippi that is unsettled? A - Yes, sir.

Q - Do you know how he acquired that estate? A - No, sir, I do not.

Q - You will be permitted to offer any additional evidence in the form of statements, affidavits or other proper papers if you desire to do so. The testimony in this case and such papers as you may be pleased to file with this Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable from the evidence in this case to identify you or your child as Mississippi Choctaws, or your

husband as an intermarried Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission in regard to this case in writing in extenso through the mails.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 7-15 day of June, 1900.

Commissioner.

MC-R27

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Laura Brooks for the enrollment of herself and child as Mississippi Choctaws, and for the enrollment of her husband as an intermarried Mississippi Choctaw.

The applicant, Laura Brooks, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900 and from her oral testimony given at that time in behalf of her own claim for identification as a Mississippi Choctaw and a claim that she makes for her minor child, Mollie Brooks, as a Mississippi Choctaw and a claim that she makes for her husband William Brooks, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under theact of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other ~~[illegible]~~ necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws ofLaura Brooks, on her own behalf and on behalf of her minor child, Mollie Brooks, and on behalf of her husband, William Brooks as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3, 1900.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Laura Brooks Hay

MCR 27

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Laura Brooks,

et al., for identification as Mississippi Choctaws

M.C.R. 27

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

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Original application of Laura Brooks before the Dawes Commission for identification as a Mississippi Choctaw	1
Written appearance of Chester Howe as Attorney	4
Written petition of Laura Brooks to the Secretary of the Interior and Commission to the Five Civilized Tribes	5
Affidavit of M. M. Lindley, Attorney at Law, in support of above petition	7
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Decision of the Commission refusing the application of Laura Brooks, et al. for identification as Mississippi Choctaws 28

Registry receipt. 30

Copy of letter of the Commission to Laura Brooks, transmitting above decision 31

Written appearance of Chester Howe asAttorney at Law 32

Copy of letter of the Commissioner of Indian Affairs to the Dawes Commission remanding the record in this application, for further hearing 33

Copy of letter of the Commissioner of Indian Affairs notifying him of the re-hearing to be had in this application on March 3, 1902 34

Copy of letter of Commission to Harley & Lindley, attorneys of record for the applicants, of like import 35

Copy of letter to Mansfield McMurray & Cornish, of like import 36

Copy of letter to Laura Brooks, of like import 37

Transcript of proceedings had at the re-hearing at Muskogee, on March 3, 1902 38

Final decision of the Commission refusing the application of Laura Brooks, et al. for identification as Mississippi Choctaws 39

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Laura Brooks, for the identification of herself and her minor child, Mollie Brooks, as Mississippi Choctaws, and for the identification of her husband William Brooks, as an intermarried Mississippi Choctaw, ---- ---------- M.C.R. 27

-------- D E C I S I O N -------

The record in this case shows that on June 13, 1900, Laura Brooks appeared before the Commission at Colbert, Indian Territory and there made personal application for the identification of herself and her minor child, Mollie Brooks, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek" and for the identification of her husband, William Brooks, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Cyrus Wilson, an alleged one quarter blood Choctaw, who married Sarah Smith a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Laura Brooks, and her husband and minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896. (29 Stats. 321.)

The evidence offered in this case, aside from the oral statement of the principal applicant, embraces two ex parte affidavits of Jennie Brazell, the ex parte affidavit of J. R. Denton, certified copies of the original documents in the transcript of proceedings had in the United States Court for the Central District Indian Territory, in the case of Jennie Brazell, et al. versus the Choctaw Nation. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Mississippi in about the year 1854, and that for two years prior to the making of her original application, she had been a resident of Indian Territory and is an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grand father, but she does not give the name of her alleged Choctaw grand father, neither does she state what degree of Choctaw blood he was possessed of. It appears from her testimony that she was married to her husband, William Brooks, for whom she makes application as an intermarried Mississippi Choctaw, in the year 1874, under the laws of the state of Mississippi, and it does not appear that she was

ever married to him under the Choctaw laws. It would appear from her testimony that she claims her right to identification as a Mississippi Choctaw because of the fact that her sister, Jennie Brazell, and her family, were admitted to Choctaw citizenship by the United States Court for the Central District, Indian Territory, on August 24, 1897 and she files a transcript of the proceedings had in said case, as well as the ex parte affidavit of the said Jennie Brazell, by which ex parte affidavit it is attempted to be shown that affiant was the full sister of the principal applicant herein and that the principal applicant was born in the state of Mississippi, and that they owned lands in the state of Mississippi which they inherited from their father, who in turn, inherited them from his father, but it does not appear from either the oral statement of the principal applicant or the ex parte affidavit of her sister, or from the transcript of proceedings had in the United States Court in the case of Jennie Brazell versus the Choctaw Nation, that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of J. B. Denton it is attempted to be shown that affiant was acquainted with the principal applicant, whomhe claims to have known in the state of Mississippi, and knows her to be a sister of Jennie Brazell, but there is nothing in his affidavit which tends to show who any of the alleged Choctaw ancestors of the principal applicant are. There are several written petitions filed herewith, but they cannot be considered as evidence as they are simply statements of facts expected to be proven by the petitioners.

The record in this case shows that on October 18, 1900, a written decision was forwarded to the principal applicant herein refusing the application which she had made for identification of herself and her minor child as Mississippi Choctaws, and for the identification of her husband as an intermarried Mississippi Choctaw. On December 3, 1900 the record in this case was forwarded to the Secretary of the Interior. On August 2, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded in this application for further hearing.

In accordance with the instructions of the Commissioner of Indian Affairs the Commission to the Five Civilized Tribes on January 21, 1902, notified the principal applicant in this case, her attorneys of record and Messrs. Mansfield, McMurray and Cornish, Attorneys for the Choctaw and Chickasaw Nations that on March 3, 1902 at one o'clock P. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there would be heard the testimony of such witnesses as might present themselves in person in said application.

On March 3, 1902, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, this case was called for hearing and no appearance was made by the applicants, their attorneys, or the attorneys for the Choctaw and Chickasaw Nation.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the evidence offered in support thereof embraces the oral statement of the principal applicant and the documentary evidence filed by her. By said

testimony it is attempted to be shown that the principal applicant derives her Choctaw blood from her father and her grandfather, but it is not stated what the name of her grandfather was. She seems to rely upon the admission of her sister, Jennie Brazell, to citizenship in the Choctaw Nation by the United States Court for the Central District, Indian Territory, and files a transcript of the proceedings had in said case, but it does not appear from said record, that this applicant was a party to said suit, neither does it show who the alleged Choctaw ancestors of the principal applicant are, or that any of them were recognized members of the Choctaw tribe of Indians in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In fact, all the evidence submitted simply tends to show that the principal applicant herein derives her Choctaw blood from her father and through him from her grandfather, but nowhere in said testimony does the name of her alleged Choctaw grandfather appear. Some attempt seems to have been made to establish the fact that the alleged Choctaw grandfather of the principal applicant owned an estate of land in Mississippi, which was inherited by the father of the principal applicant, and by the principal applicant and her alleged sister, Jennie Brazell, from him, but it does not appear how said estate was obtained by the alleged grandfather of the principal applicant, whether by purchase, or from the United States government as a Choctaw Indian. As the only name given by the principal applicant of her alleged Choctaw ancestors, is that of her father, the Commission can only search for said name among its records of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and it does not appear

from said records that any person bearing the name of the alleged father of the principal applicant, ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims. Neither does it appear from the records of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through Cyrus Wilson, the alleged ancestor of the principal applicant herein.

The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898(30 Stats. 495) is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Laura Brooks, and Mollie Brooks as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the

application made by Laura Brooks for the identification of her husband William Brooks, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Commissioners

Muskogee, Indian Territory.

APR 15 1902

Copy.

D.C.7588.

Land-22649-1902.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs.

Washington, April 26, 1902.

The Honorable

The Secretary of the Interior,

Sir:

I enclose you herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated April 19, 1902, forwarding for the Department's consideration the record relative to the case of Laura Brooks, et al. She applies for the identification of herself and that of her child Mollie Brooks as Mississippi Choctaws, and for the identification of her husband, William Brooks as an intermarried Mississippi Choctaw.

April 15, 1902, the Commission found that the parties above named were not entitled to identification.

The applicant in this case attempts to trace her descent through her father Cyrus Wilson to her grand father whose name is not given. She also claims that she is entitled to identification by reason of a judgment of the United States Court for the Central District of the Indian Territory in the case of Jennie Brazell, et al. vs. the Choctaw Nation in which the court held that the parties in said case, to wit: Jennie Brazell, May Brazell, James Brazell, Edgar Brazell and Maggie Brazell, were entitled to citizenship in the

Choctaw Nation. Jennie Brazell, the record shows, is a sister of the principal applicant herein.

The applicants in this case were not parties plaintiff in the suit of Jennie Brazell, et al.vs. the Choctaw Nation, and are not therefore entitled to any benefits of said judgment.

The record in the case is not sufficient to warrant the identification of the applicant, and a careful search of the records of the office has been made and no record has been found that Cyrus Wilson complied with the provisions of the 14th article of the treaty of 1830, or with the provisions of the act of March 3, 1837, and August 23, 1842.

It is therefore respectfully recommended that the decision of the Commission be approved.

Very respectfully,
Your obedient servant,

A. G. Tonner,
Acting Commissioner.

G.A.W.(B)

Mar 24

26193.

D.C.7588 DEPARTMENT OF THE INTERIOR.

I.T.D.2658-1902. Washington.
File 896- 1898.

May 1, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

On April 19, 1902, you transmitted the record in the matter of the application of Laura Brooks for the identification of herself and her minor child Mollie Brooks as MississippimChoctaws and for the identification of her husband, William Brooks as an intermarried Mississippi Choctaw .

The record in this case shows that neither the principal applicant herself, nor her husband or child for whom she applies, have ever been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls on said nation in the possession of your Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of said nation, or by your Commission, or by a decree of the United States Court in Indian Territory under the provisions of act of Congress of June 10, 1896 (29 Stat.,321).

It also appears that the principal applicant attempts to trace her alleged Choctaw descent through her father, Cyrus Wilson, to her

grandfather, both of whom it is claimed were residents of Mississippi, but she does not give the name of her grandfather, nor does she state what degree of Choctaw blood he was possessed of.

It is also shown that the principal applicant is the sister of one Jennie Brazell, who was admitted to Choctaw citizenship by a judgment of the United States Court for the Central District, Indian Territory, in the case of Jennie Brazell et al. versus the Choctaw Nation, and she relies upon this admission of her sister, but it does not appear that said principal applicant was a party to said suit, nor does the record in said suit show who the alleged Choctaw ancestors of the principal applicant are, or that any of them were ever recognized members of the Choctaw Nation in Mississippi and complied or attempted to comply with the fourteenth article of the treaty of 1830.

In your decision of April 15, 1902, rejecting said application, you state that there is nothing in the evidence offered, or inthe records in the possession of your Commission tending to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the tribal authorities of the Choctaw Nation as members of said tribe in Mississippi, or that they ever complied or attempted to comply with the provisions of the said fourteenth article, or presented their claims as beneficiaries under said article to either of the Commissions authorized by the acts of Congress approved March

N,1837 (5 Stat.,180), and August 23, 1842 (5 Stat.,513), for the adjudication of such claims. See opinion of the Assistant Attorney General of December 3, 1901, approved by the Department.

You further state as your opinion that under the provisions of law there is no authority for the identification of a person as a Mississippi Choctaw by marriage, and you therefore refuse the application made by Laura Brooks for the identification of her husband, William Brooks, as an intermarried Mississippi Choctaw.

The Acting Commissioner of Indian Affairs forwarded the papers in this case on April 26, 1902, stating that a careful search of the records in the Indian office fails to show that any of the alleged Choctaw ancestors of the applicant ever complied with the provisions of said fourteenth article or presented their claims to either of the commissions referred to, and he recommends that your decision be affirmed.

The Department has examined the record in this case and, there appearing to be no objection thereto, your decision in rejecting said application is affirmed.

A copy of the Acting Commissioner's letter is incosed.

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

REFER TO M. O. R.

Laura [illegible]
[illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------oOo---------

In the matter of the application for identification as Mississippi Choctaws of Laura Brooks et al., M.C.R. 27.

All of the applicants herein claim Mississippi Choctaw descent from Cyrus Wilson a one-fourth blood Choctaw Indian who was the father of Jennie Brazel, nee Wilson, and Laura Brooks, nee Wilson.

The following descendants of the common ancestor Cyrus Wilson, appear of record as applicants for identification as Mississippi Choctaws:

(Laura Brooks, nee Wilson, and
(her child
(Mellie Brooks.

The following named descendants of the common ancestor Cyrus Wilson, were ordered admitted to citizenship in the Choctaw Nation by judgment of the United States Court, Indian Territory, South McAlester, Indian Territory, August 24, 1897, in case No. 96, entitled Jennie Brazel et al. vs Choctaw Nation:

(Jennie Brazel, nee Wilson,
(and her children
(James Brazel
(Edward Brazel
(May Brazel.

The judgment above cited also admits to citizenship in the Choctaw Nation by intermarriage, Maggie Brazel wife of James Brazel, and denies intermarried citizenship to Jack Brazel husband of Jennie Brazel, nee Wilson.

The record shows that parties plaintiffs in the above judgment, filed with this Commission on September 1896, their petition to be admitted to citizenship in the Choctaw Nation by blood and intermarriage. October 7, 1896, answer of the Choctaw Nation duly filed. On December 1, 1896, petition denied. On February 3, 1897, notice of appeal and judgment as aforesaid.

The proof submitted in this case is the oral testimony of the applicant, two affidavits of Jennie Brazel, plaintiff in the judgment herein cited, and a transcript of the court proceedings in the case of Jennie Brazel et al. vs Choctaw Nation, No. 96, and the affidavit of J. R. Dunton.

The applicant testifies orally that she has no knowledge of any act of compliance on the part of her ancestors with the provisions of article fourteen of the treaty between the United States government and the Choctaw tribe of Indians concluded September 27, 1830. The applicant also testifies that an estate of land in Mississippi of her grandfather (whse name is not given) is still unsettled.

J. R. Denton avers that Jennie Brazel, plaintiff in the judgment herein referred to, is a full sister of the applicant Laura Brooks, nee Wilson.

Jennie Brazel in her two affidavits avers that the applicant Laura Brooks is her full sister and that the father of Laura Brooks and herself inherited from his father an estate of lands in Mississippi; that their father has long since been dead, and that his said estate of lands is still owned by the family and is yet undivided between applicant, affiant and other members of said family.

At the time of the filing by Jennie Brazel of her petition for citizenship in the Choctaw Nation, which petition was denied and appealed as aforesaid, there was also filed in support of her application the affidavits of Charles York, Thomas York, and depositions of Charles York and Nima York and Solomon Wilson, who averred that they are full blood Choctaw Indians and emigrated from Lee County, Mississippi, to the Choctaw Nation, Indian Territory, where they have lived for six years; that they were acquainted with Cyrus Wilson in Mississippi and that he was half breed and talked both Choctaw and English. The evidence tends to show the line of descent claimed by the applicant.

With respect to the lands claimed to be owned by ancestor of applicant in Mississippi, the evidence shows that this land was inherited by the father of applicant from his father. There is no proof offered to show that the grandfather of applicant was possessed of Choctaw Indian blood, the applicant tracing her Indian blood to her father only. Nor is there any proof offered to show that this land came into possession of the applicants by reason of their compliance with the provisions of article fourteen of said treaty of 1830. There is no proof oral or documentary offered to show that the ancestor through whom the applicants claim their right to be identified as Mississippi Choctaws, were recognized members of the Choctaw tribe of Indians and resided in the old Choctaw Nation in Mississippi and Alabama at the time of the conclusion of said treaty of 1830. Nor is there any proof offered, either oral or documentary, tending to show any act of compliance on the part of ancestors of applicants with any of the provisions of article fourteen of said treaty of 1830.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 3, 1902.

In the matter of the application for identification as Mississippi Choctaws of Laura Brooks, et al., M.C.R. 27.

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This case was remanded by the Commissioner of Indian Affairs, with his letter of August 2, 1901, to this Commission, with instructions that applicants be granted a rehearing for the purpose of the introduction of additional testimony in support of such application.

In accordance with such instructions notice of the hearing of such additional testimony was furnished the principal applicant herein, her attorneys, and the attorneys for the Choctaw and Chickasaw Nations, on January 21, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, March 3, 1902, at 1:00 o'clock P.M. the case of the applicants herein being set for rehearing this day and date and said case being called, no appearance was made by the principal applicant herein, her attorneys, nor the attorneys for the Choctaw and Chickasaw Nations.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 3, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of March 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 4th day of March 1902.

Clara Mitchell Wood

Notary Public.

No 27

Laura Brooks
Oil

Cyrus Wilson f/p Dead
wife
Sarah Wilson, white
Sarah new Whitehead

Jennie Wilson 47 admitted by U.S. Court
married
Jack Brazel, white, admitted by U.S. Court

James Brazel 28 Admitted by U.S. Court
wife
Maggie Brazel " " " " per I. W.
Edward Brazel 23 " " " "
Mary Brazel 13 " " " "

mbR 27
Laura Wilson 46, f/p.
married
William Brooks white

mbR 27
Mollie Brooks 12

Muskogee, Indian Territory, May 16, 1900.

Mr. Chester Howe,

633 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits in the case of Laura Brooks, et al. vs. the Choctaw Nation, forwarded by you to the Honorable Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The same is returned to you herewith for the reason that there is no record of Laura Brooks or any of the interested parties in said cause ever having appeared before the Commission in person as applicants for enrollment. The Commission cannot receive applications for enrollment except upon personal appearance of the applicant, when the party, under oath, may give sufficient evidence on which the Commission can render a decision, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent up to him for review. The petitioners may now appear at this office if they desire. The Commission, however, will be at Atoka, in the Choctaw Nation, from Monday June 4th to Friday June [illegible] at Colbert, in the Chickasaw Nation, from Monday June 11th to [illegible] June 16th, 1900, inclusive, for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations. On such

C.R. R.

appearance, the petitioners will be permitted to submit any additional written affidavits or testimony they may desire in furtherance of their claims. You will please so notify the interested parties in this cause.

Yours truly,

Acting Chairman.

S-15

Muskogee, Indian Territory,
September 5th, 1900.

Hawley & Lindley,
Attorneys-at-law,
South McAlester, Indian Territory.

Gentlemen:-

The Commission has had for sometime your letter of the 23rd ultimo, in regard to having forwarded to this Commission on the 23rd of June last, some papers to be filed as records in the matter of the enrollment of Laura Brooks, et al. as a citizen of the Choctaw Nation.

You are informed that the Commission received the original application, petition and exhibits, and other papers attached thereto in the matter of the application for enrollment of Mrs. Laura Brooks, et al, June 25th, 1900. That day they were duly filed with the records of this Commission.

Yours truly,

Acting Chairman.

In answering this letter
please refer to M.C.R.-87.

Washington, Indian Territory, December 6, 1900.

[illegible]

Gentlemen:

[illegible] of the 29th of November [illegible] relative to the [illegible] mineral claims formerly held by the Indians [illegible] Alvin V. Tipsit, et. al., Jesse F. Tipsit, [illegible] Laura Weeks, et. al and R. E. Carter, et. al, applicants for classification as Mineral Lands.

The papers are returned to you herewith for the reason that the decision in these cases was of December 3rd, 1900, forwarded to the Secretary of the Interior.

Yours truly,

Acting Chairman.

Enc. 8

I. C. R 8
V. C. R 87
X. C. R 203
X. C. R 203
V. C. R 204

Muskogee, Indian Territory, January 21, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Laura Brooks et al., record of which was returned with letter of your office dated August 2, 1901, with instructions for further hearing, the Commission to the Five Civilized Tribes has notified the interested parties in this case, their attorneys and the attorneys for the Choctaw and Chickasaw Nations, that the testimony of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory, on Monday, March 3, 1902, at one o'clock P. M.

Respectfully,

M.C. 27

Commissioner in Charge.

Muskogee, Indian Territory, January 21, 1902.

Harley & Lindley,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, March 3, 1902, at one o'clock P. M., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the case of Laura Brooks et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

M.C. 27.

Muskogee, Indian Territory, January 21, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, March 3, 1902, at one o'clock P. M., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the case of Laura Brooks et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

M.C.27.

Muskogee, Indian Territory, January 21, 1902.

Laura Brooks,

South McAlester, Indian Territory.

Dear Madam:

In the matter of your application for identification as Mississippi Choctaws of yourself and your minor child, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday, March 3, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.C. 27.

Commissioner in Charge.

COPY

Muskogee, Indian Territory, April 19, 1902.

Chester Howe,

623 F Street, N W,

Washington, D. C.

Dear Sir-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Laura Brooks, et al., for identification as Mississippi Choctaws.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28,1898 (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Laura Brooks and Mollie Brooks as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

* * *

the application made by Susan Brown for the identification of her husband William Brown, an ex-Confederate Mississippi Cherokee, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED. *Tams Bixby.*

Acting Chairman.

Registered.

Order.

W O R 27

Muskogee, Indian Territory, April 19, 1903.

The Honorable

The Secretary of the Interior.

Sir-

There is transmitted herewith the record in the application of Laura Brooks, et al., for identification as Mississippi Choctaws, including the decision of the Commission of April 15, 1903.

The Commission has the honor to report that the principal applicant, her attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED) Tams Bixby,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

COPY

K C R 97

Muskogee, Indian Territory, April 19, 1902.

Laura Brooks,

South McAlester, I. T.

Dear Madam-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Laura Brooks, et al., for identification as Mississippi Choctaws.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28,1898, (30 Stats. 496) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Laura Brooks and Nellie Brooks as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of the above quoted act persons identified to identification as a Mississippi Choctaw by marriage, and that the application made by Laura Brooks for the identification of her husband William Brooks, as an intermarried Mississippi Choc-

law, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

N C R 27

COPY

Muskogee, Indian Territory, April 19, 1902.

Harley & Lindly,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen-

You are hereby advised that on the 15th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Laura Brooks, et al., for identification as Mississippi Choctaws:

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28,1898(30 Stats., 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation,concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Laura Brooks and Nellie Brooks as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused,and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Laura Brooks for the identification of

her husband William Brooks, as an intermarried Mississippi Cherokee, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

Registered.

N O 2 [illegible]

COPY

McAlester, Indian Territory, April 19, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen-

You are hereby advised that on the 18th day of April, 1902, the Commission to the Five Civilized Tribes rendered a decision in the application of Laura Brooks, et al., for identification as Mississippi Choctaws:

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats. 495) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Laura Brooks and Willie Brooks as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that in, under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

N 1068 & C

the application made by Laura Lovejoy for the identification of her husband, William Lovejoy, as an enrolled Kickapoo Chippewa, should [illegible] be denied, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in the time of such action as may be taken by him.

Yours truly,

Tams Bixby,

Acting Chairman.

Registered.

NOV. 1 1937

[illegible]

[illegible], Indian Territory, May 1, 1902.

Laura Brooks,

South McAlester, Indian Territory.

Dear Madam:-

You are hereby advised that on the 1st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Laura Brooks, et al., of which decision you were duly advised by registered mail on the 19th day of April, 1902.

Yours truly,

Commissioner in Charge

M.B.R. 27

Muskogee, Indian Territory, May 9, 1902.

Messrs. Harley & Lindly,
Attorneys at Law,
South Mc Alester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 1st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Laura Brooks, et al., of which decision you were duly advised by registered mail on the 19th day of April, 1902.

Yours truly,

Commissioner in Charge

[illegible]

[illegible], Indian Territory, [illegible], 1902.

Chester Howe,

Attorney at Law,

623 7th St., N.W., Washington, D.C.

Dear Sir:-

You are hereby advised that on the 1st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Laura Brooks, et al., of which decision you were duly advised by registered mail on the 19th day of April, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 27

Muskogee, Indian Territory, May 9, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South Mc Alester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 1st day of May, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Laura Brooks, et al., of which decision you were duly advised by registered mail on the 19th day of April, 1902.

Yours truly,

Commissioner in Charge

M.C.R. 27

Muskogee, Indian Territory, October 3, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Replying to your letter of September 29, 1903, relative to the status of one Laura Brook, of South McAlester, Indian Territory, will state that on April 15, 1902, the Commission rendered its decision refusing her application as a Mississippi Choctaw and on May 1, 1902, the Secretary of the Interior affirmed the Commission's decision, and on May 9, 1902, notice of such action was mailed the applicant, all attorneys in the case and yourselves as Attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M.C.R. 27

Muskogee, Indian Territory, October 7, 1903.

Mansfield, McMurray & Cornish,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of October 1, asking for a certificate showing that the application of Laura Brooks for the identification of herself and her minor child, Mollie Brooks, as Mississippi Choctaws has been refused by the Commission and the decision affirmed by the Secretary of the Interior, for use before the Choctaw-Chickasaw Citizenship Court.

In compliance with your request, there is enclosed you herewith a certificate showing the status of the application for identification as Mississippi Choctaws of Laura Brooks, et al.

Respectfully,

Chairman.

Enc. F. H.--75

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--oOo--

I, Tams Bixby, Chairman of the Commission to the Five Civilized Tribes, do hereby certify that it appears from the records of this Commission that on April 15, 1902, the Commission rendered the decision refusing the application of Laura Brooks for the identification of herself and her minor child, Mollie Brooks, as Mississippi Choctaws, and for the identification of her husband, William Brooks, as an intermarried Mississippi Choctaw, and on May 1, 1902, the decision of the Commission was affirmed by the Secretary of the Interior.

IN TESTIMONY WHEREOF, I hereunto set my hand at Muskogee, Indian Territory, this October 7, 1903.

Tams Bixby
Chairman.

Laura Brooks et al.

Application for enrollment as member of the Choctaw Tribe of Indians, filed June 29, 1899.

Testimony of Applicants taken by the Com. June 13-1900: For enrollment of herself, husband and child.

Judgement of Com. rendered August 3, 1900. stating these words: "The application for identification as Miss. Chickasaw of Laura Brooks, on her own behalf and on behalf of her minor child, Mollie Brooks, and on behalf of her husband, William Brooks as an intermarried Choctaw, is hereby refused."

— — — — — —

Application of Jennie Bragell for enrollment made Sept. 6, 1896.

Answer of Choctaw Nation filed — —

Application for enrollment denied by Com. Dec. 1896.

Appeal taken to the U.S. District Court Jan. 29-1897.

All parties in court and judgment by Judge Clayton rendered in favor of Applicants except as to Jack Bragell husband of Applicant, ordering the Com. to place their names on the rolls of the Choctaw Nation.

Laura Brooks et al.

vs.

Choctaw Nation

Mississippi Choctaw Case No. R. 27

Original testimony and all papers filed in this case forwarded Secretary of Interior,

December, 3rd, 1900

Appeals

Eugene Nelson.

Brazell Case

27

Laura Brooks, et al.

(Sister admitted by Court. Property holding in Miss. shown).

Opp B.

8/13/1900

Register to Laura Brooks, McAlester I.T. and send receipt to me.
A.B.

Returned from Mc. Alester as undelivered Sept. 12th, 1900, and remailed to Mrs. Laura Brooks, So. Mc. Alester, I.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 12 1900

ACTING CHAIRMAN.

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
AUG 3 1900

ACTING CHAIRMAN.

9

61036	Indian Office. Ind. [illegible]	1900

Wm. Brooks. 52

As an intermarried Mississippi Choctaw

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED.

JUN 13 1900

REFUSED.

JUN 13 1900

MEMORANDA.

(Date) June 13 1900.

Name Laura Brooks, (46) McAlester, I.T.

Choctaw? Miss, County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (8) Mother's citizenship (N. S)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife~~ (Husband) Wm. Brooks. (5-2)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes, Isaac Brooks, (father)

Married under what law? (Miss) Elizabeth Brooks, (moth.)

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

12. Mollie. ..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Cyrus Wilson, (father) (1/4)
Sarah Whitehead, (mother)

Doc McR 28 Emma Franks

See McR 5

McR 28

REFUSED.

DECISION RENDERED. JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 6 - 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1902

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

FEB 6 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

APR 10 1902

REFER TO M. C. R. 25

Department of the Interior,
Commission to the Five Civilized Tribes,
Gilbert, I.T., June 13, 1900.

In the matter of the application of Emma Franks for the enrollment of herself and her child as Mississippi Choctaws; being sworn and examined by Acting Chairman Kirby, she testified as follows:

Q - What is your name? A - Emma Franks. (Franks)
Q - How old are you? A - 30.
Q - What is your post office address? A - Rush Springs, I.T.
Q - How long have you lived at Rush Springs? A - We live 15 miles this side of Rush Springs.
Q - How long have you lived there? A - I have been raised there.
Q - Where were you born? A - I was born in Texas, but I have lived here ever since I was 9 years old.
Q - Have you ever been in Mississippi? A - No, sir, I don't know anything about the state.
Q - What was the name of your father? A - Kinney Tidwell.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A - Yes, sir, that is what he claims.
Q - Has his name ever been on the Tribal Rolls of the Choctaw Nation? A - Not that I know of.
Q - Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A - If he has I don't know it.
Q - What is the name of your mother? A - Marthena Tidwell.
Q - Is she living? A - Yes, sir.
Q - Is she a white woman? A - No, sir, a Choctaw.
Q - What proportion of Choctaw blood does she claim? A - 1/8 I suppose.
Q - Has her name ever been on the Choctaw Tribal rolls?
A - No, sir.
Q - Has she ever been recognized by the Tribal authorities as a Choctaw Indian? A - No t that I know of.
Q - What proportion of Choctaw blood do you claim to have?
A - I should say 1/16.
Q - Didn't you say your father was 1/8 and your mother 1/8?
A - I should think that would make me 1/16.
Q - Has your name ever been on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Tribal authorities of the Choctaw Nation? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - I have not.
Q - Did you ever apply to the Dawes Commission in 1896? A - No I did not.
Q - This is your first application then? A - It is.
Q - Do you claim to be a Mississippi Choctaw? A - I guess so, that is what I have always been taught.
Q - Under what treaty do you claim? A - From 1830 on up to all the laws applicable to the Mississippi Choctaws.
Q - Do you claim under the Treaty of 1866? A - I don't; that is of the treaties I don't claim under.
Q - That is one of the Choctaw Treaties; you have just stated you claimed under all the Treaties from 1830 up, do you or do you not claim under the Treaty of 1866? A - I told you I did.
Q - Do you claim under the Atoka Agreement? A - That is something I don't know anything about.
Q - Do you claim under any particular article of any particular treaty? A - Nothing only just what I have told you.
Q - You don't claim under the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir, I don't know anything about that.

Anna Trunks - 2.

Q - Did any of your ancestors ever claim or receive any land under the provisions of the 14th article of the Treaty of 1830?
A - Not that I know of.
Q - You know whether you did, don't you? A - Why, I haven't.
Q - Are you married? A - Yes, sir.
Q - Are you making any claim for your husband? A - No, sir.
Q - Have you any children? A - I have one by my first man.
Q - Do you claim for the child? A - I do.
Q - What do you claim the child to be? A - A Mississippi Choctaw Indian.
Q - What is the name of the father of this child? A - Frank Hudson.
Q - What is the name of the child and its age? A - William Franklin, he is 12.
Q - Is he living with you? A - No, sir.
Q - Where is he living? A - He is near Muskogee.
Q - He is living in the Indian Territory? A - Yes, sir.
Q - How long has he been living there, in the Territory?
A - He was born here.
Q - Been living here all his life? A - Yes, sir, ever since he was born.
Q - Is there any additional testimony you would like to file in behalf of your application or that of your child at this time?
A - No, sir.
Q - Have you any papers that you would like to file with the Commission? A - No, sir.
Q - In the event that you should desire to offer any additional evidence in the form of statements, affidavits or other proper papers within a reasonable time, you will be permitted to do so.

The testimony in this case and such papers as you may be pleased to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable from the evidence in this case to identify you or your son as a Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission in writing in extenso through the mails.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 5 day of June, 1900.

Commissioner.

W.C.27

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Franks for the enrollment of herself and child as Mississippi Choctaws.

The applicant, Emma Franks, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900 and from her oral testimony given at that time in behalf of her own claim for identification as a Mississippi Choctaw and a claim that she makes for her minor child, William F.Hudson as a Mississippi Choctaw.

It appears from the evidence in this case that neither of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill) , and is as follows,to wit:

"Said Commission shall have authorityto determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Emma Franks, on her own behalf and on behalf of her minor child, William F. Hudson, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3, 1900.

Muskogee, Indian Territory, November 22, 1901.

Emma Franks,

Rush Springs, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor child, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with the instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, January 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-26

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 6, 1902.

Emma Franks,

Rush Springs, Indian Territory.

Dear Madame:

You are hereby advised that on the 24th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Kinney Tidwell, et al., embracing the following applications for identification as Mississippi Choctaws:

Kinney Tidwell, et al.,	M.C.R. 22
Mariah White, et al.,	M.C.R. 23
William Jefferson Tidwell, et al.,	M.C.R. 26
Emma Franks, et al.,	M.C.R. 28
Armanda Leverette,	M.C.R. 29
Mathew Philo Tidwell, et al.,	M.C.R. 30
William Lemmie Tidwell, et al.,	M.C.R. 31
John R. Robertson, et al.,	M.C.R. 32
William A. Woods, et al.,	M.C.R. 18
J. W. Woods, et al.,	M.C.R. 19

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Kinney Tidwell, Marthana Tidwell, Mariah White, Madison Kensler Tidwell, William Jefferson Tidwell, William B. Tidwell, Emma Franks, William Franklin Hudson, Armanda Leverette, Mathew Philo Tidwell, Iva Myrtle Tidwell, Nora Lillian Tidwell, Bessie Lee Tidwell, William Lemmie Tidwell, John R. Robertson, Lillie May Robertson, William A. Woods, William Allen Woods, Thomas Hanser Woods, Laurence Leslie Woods, J. W. Woods, William J. Woods, Myrtle E. Woods, and Maudie M. Woods, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for the applicant withdrawing the application made by William Jefferson Tidwell for the identification of his wife, Sallie G. Tidwell, as an intermarried Mississippi Choctaw, and that upon said motion said application was dismissed by the Commission, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Mathew Philo Tidwell for the identification of his wife, Maggie Tidwell, and by William Lemmie Tidwell for the identification of his wife, Catherine Tidwell, and by J. W. Woods for the identification of his wife, M. E. (or Etter) Woods, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

N. P., 3.

Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) James Dixby.
Acting Chairman.

M.C.R. 28.

Registered.

M.C. 28

Muskogee, Indian Territory, February 7, 1902.

Treadwell & Lucas,

Attorneys at Law,

Tishomingo, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the fourth instant, in which you ask if Willie or W. F. Hudson is enrolled as a Choctaw Indian.

In reply to your letter you are advised that it appears from our records that on June 13, 1900, Emma Franks, the daughter of K. M. and Marthena Tidwell, made application for the identification of herself and her minor son, William Franklin Hudson, twelve years old, as Mississippi Choctaws. On January 29,1902, the Commission rendered a decision refusing the application of Emma Franks for the identification of herself and her minor son, William Franklin Hudson, and notice of such decision was forwarded to Emma Franks by registered mail.

If the William Franklin Hudson named in the decision above referred to is not the person concerning whom you inquire, and you will advise when, where and under what name W. F. Hudson made application to the Commission and the names of other members of his family, your request will receive further consideration.

Yours truly,

Commissioner in Charge.

M.C.R.28

Muskogee, Indian Territory, April 10, 1902

Emma Franks,

Rush Springs, Indian Territory.

Dear Madam:-

You are hereby advised that on the 2nd day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Kinney Tidwell, et al., of which decision you were duly advised by registered mail on February 6, 1902.

Yours truly,

Commissioner in Charge

R. 28.

Evidence.

Emma Franks
William Franklin Hudson

Judgment.

Emma Franks.
William F. Hudson.

R. MANGELSDORF.

Emma Franks et al.

vs.

Choctaw Nation

Mississippi Choctaw Case No. R. 28

Original testimony and all papers filed in this case forwarded Secretary of Interior,

December 3rd, 1900.

REFUSED.

JUN 13 1900

MEMORANDA.

(Date) June 13 1900

Name Emma Franks (30) Rush Springs, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/16) Mother's citizenship Choc. (1/8)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife's~~ .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
12 Wm. Franklin Hudson (Frank Hudson)	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

K. M. Tidwell, (father) (1/8)

Martha Tidwell, (mother) (1/8)

FOR INDIAN [illegible]
A MISSISSIP[illegible]

REFUSED.

Emma Fra[illegible]

judgment [illegible]

DEPARTMENT OF THE INTERIOR,
COMM[illegible] TRIBES
[illegible]
AUG [illegible]

9

61038

Indi[illegible]

DEPARTMENT [illegible]

mcR 29

RECEIVED

JAN 29 1902

RECORD FORWARDED DEPARTMENT

FEB 6 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1902

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

FEB 6 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

APR 1902

REFER TO M. C. R. 25

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

---o---

In the matter of the application of Armanda Leverette for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q - What is your name? A - Armanda Leverette.
Q - What is your age? A - 1[illegible].
Q - What is your post office address? A - Rush Springs, I.T.
Q - How long have you lived at Rush Springs? A - A year next December.
Q - Where did you come from to Rush Springs? A - Beef Creek, Indian Territory.
Q - How long did you live at Beef Creek? A - I was born and raised there.
Q - Have you lived all your life in the Indian Territory?
A - Yes, sir.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - K. M. Tidwell.
Q - Is he living? A - Yes, sir, he is a Choctaw Indian.
Q - What proportion of Choctaw Indian blood does he claim to have? A - 1/8.
Q - Has his name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - What is the name of your mother? A - Marthena Tidwell.
Q - Is she living? A - Yes, sir.
Q - Is she a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw Indian blood does she claim to have? A - 1/8.
Q - Has her name ever been on the Choctaw Tribal rolls? A - No sir.
Q - Has she ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - What proportion of Choctaw Indian blood do you claim to have? A - 1/16.
Q - Has your name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - This is your first application? A - Yes, sir.
Q - Are you married? A - Yes, sir.
Q - When were you married? A - April 23, 1899.
Q - Have you any children? A - No, sir.
Q - Are you making any claim in behalf of your husband? A - No.
Q - Is there any additional statement you would like to make in this case? A - No, sir.
Q - Have you any papers that you would like to file with this Commission? A - No, sir.
Q - In the event that you should desire to do so in the near future, you will be permitted to offer any additional evidence in the form of statements, affidavits or other proper papers.

The testimony in this case and such papers as may be filed with this Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the names of the citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw. You will be furnished later on through the mails with a copy of the decision of the

Andrew Lagarde,

Examination in patents.

Bruce B. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the evidence of the above applicant, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce B. Jones

Sworn to and subscribed before me this the 26 day of June, 1900

Commissioner.

M.C.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Amanda Leverett for enrollment as a Mississippi Choctaw.

The applicant, Amanda Leverett, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900, and from her oral testimony given at that time in behalf of her claim for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her rights to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any report of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaw entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of her personal appearance before this Commission for examination, and the written evidence submitted by her in support of her application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify her as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaw of Amanda Leverett, on her own behalf, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3, 1900.

Muskogee, Indian Territory, November 22, 1901.

Amanda Leverett,

Rush Springs, Indian Territory.

Dear Madam:

In the matter of your application for identification as a Mississippi Choctaw, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, January 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-29

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 6, 1902.

Armanda Leverette,

Rush Springs, Indian Territory.

Dear Madame:

You are hereby advised that on the 29th day of January, 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Kinney Tidwell, et al., embracing the following applications for identification as Mississippi Choctaws:

Kinney Tidwell, et al.,	M.C.R. 25
Mariah White, et al.,	M.C.R. 23
William Jefferson Tidwell, et al.,	M.C.R. 26
Emma Franks, et al.,	M.C.R. 28
Armanda Leverette,	M.C.R. 29
Mathew Philo Tidwell, et al.,	M.C.R. 30
William Lemmie Tidwell, et al.,	M.C.R. 31
John R. Robertson, et al.,	M.C.R. 32
William A. Woods, et al.,	M.C.R. 18
J. W. Woods, et al.,	M.C.R. 19

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under

A. L. S.

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Kinney Tidwell, Marthena Tidwell, Mariah White, Madison Kennler Tidwell, William Jefferson Tidwell, William B. Tidwell, Emma Franks, William Franklin Hudson, Armanda Leverette, Mathew Philo Tidwell, Iva Myrtle Tidwell, Nora Lillian Tidwell, Bessie Lee Tidwell, William Lemmie Tidwell, John R. Robertson Lillie May Robertson, William A. Woods, William Allen Woods, Thomas Manser Woods, Laurence Leslie Woods, J. W. Woods, William J. Woods, Myrtle R. Woods, and Maudie M. Woods, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for the applicant withdrawing the application made by William Jefferson Tidwell for the identification of his wife, Sallie O. Tidwell, as an intermarried Mississippi Choctaw, and that upon said motion said application was dismissed by the Commission, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Mathew Philo Tidwell for the identification of his wife, Magie Tidwell, and by William Lemmie Tidwell for the identification of his wife, Catherine Tidwell, and by J. W. Woods for the identification of his wife, M. N. (or Etter) Woods, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

A. L., 3A

Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) James Bixby.

Acting Chairman.

M.C.R. 29

Registered.

M.C.R. 29

Muskogee, Indian Territory, April 10, 1902

Armanda Leverette,

Rush Springs, Indian Territory.

Dear Madam:-

You are hereby advised that on the 2nd day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Kinney Tidwell, et al., of which decision you were duly advised by registered mail on February 6, 1902.

Yours truly,

Commissioner in Charge

MCR 25.

Muskogee, Indian Territory, July 12, 1906.

Manda Tidwell,

Byars, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter dated May 1, 1906, relative to the applications heretofore filed by you for the enrollment of Eula J. and Minnie M. Leverett, minor children of John R. Leverett and Manda Leverett (nee Tidwell).

From the information contained in your letter this office has now located your name upon the records of this office as Amanda Leverett, one of the applicants in the consolidated Mississippi Choctaw case of Kinney Tidwell, et al.

Respectfully,

Commissioner.

MEMORANDA.

(Date) June 13 1900.

Name Amanda Leverett. (19) Rush Springs, I.T.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/16) Mother's citizenship Choc. (1/8)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name (Husband) .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW

Personally appeared before me this June 13 1900 and testified as follows:

K. M. Tidwell, (father) (1/8)

Martheena Tidwell, (mother) (1/8)

R. #29.

Evidence:
Amanda Leverette.

Judg'mt.
Amanda Leverett

R. MANGELSDORF,

Amanda Leverett
vs.
Choctaw Nation

Mississippi Choctaw Case No. R. 29.

Original testimony and all papers filed in this case forwarded Secretary of Interior,
December, 3rd, 1900.

FOR INDENTIFICATION
A MISSISSIPPI CHOCTAW

REFUSED.

Amanda Livingstone

Judgment rendered

61036	Indian Office. Index No. 47	1900

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF CIVILIZED TRIBES,
WASHINGTON, D.C. RECEIVED AND COPY

AUG 1900

Chairman.

RECEIVED FROM WAR DEPARTMENT.
FEB 6 - 1902

Choc MCR 30 Matthew R. Tidwell

See MCR 25

MCR 30

REFUSED.

DECISION RENDERED 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 6 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1902

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

FEB 6 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

APR 10 1902

REFER TO M. C. R. 25

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

-----o-----

In the matter of the application of Matthew Philo Tidwell for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - Matthew Philo Tidwell.
Q - How old are you? A - I am 43.
Q - What is your post office address? A - Chickasha, I.T.
Q - How long have you lived in Chickasha? A - Ever since last summer.
Q - Where did you move from to Chickasha? A - From Beef Creek.
Q - How long had you lived at Beef Creek? A - 12 months.
Q - Where did you live before moving to Beef Creek? A - Near over in Oklahoma.
Q - How long did you live in Oklahoma? A - 6 years.
Q - Where did you live before that? A - In the Territory, Chickasaw Nation.
Q - Where were you born? A - In Georgia.
Q - How long did you live in Georgia? A - I don't recollect, we moved from there when I was quite small to Alabama.
Q - How long did you live in Alabama? A - I don't recollect.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - Manser Tidwell.
Q - Is he living? A - Yes, sir.
Q - Was he a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw Indian blood did he claim to have? A - My understanding is he was half breed.
Q - Was his name ever on the Choctaw Tribal rolls? A - No, sir.
Q - Was he ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir, not that I know of.
Q - What was the name of your mother? A - Mrs. Harriett Tidwell.
Q - Is she living? A - No, sir.
Q - Was she a white woman? A - No, sir, a Choctaw Indian.
Q - What proportion of Choctaw blood did she claim to have? A - Quartereen.
Q -Was her name ever on the Choctaw Tribal rolls? A - No,sir.
Q - Was she ever recognized by the Choctaw Tribal authorities as a Choctaw Indian by blood? A - No, sir.
Q - What proportion of Choctaw Indian blood do you claim to have? A - I don't know, I guess about 1/8.
Q - Has your name ever appeared on the Choctaw Tribal Rolls?
A - No, sir.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - Yes, sir, I went before them last July, I think it was.
Q - Was that the first time? A - Yes, sir.
Q - You didn't apply under the law of 1896, 4 years ago?
A - No, sir.
Q - This is the second application you have made? A - Yes,sir, they wouldn't hear me last summer.
Q - They found out your name and age, didn't they? A - Yes.
Q - And that your name wasn't on the Choctaw rolls? A - Yes, sir, it wasn't on the rolls.
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir.

Matthew P. Tidwell - 2.

Q - Under what treaty do you claim? A - From 1830 up.
Q - All the treaties? A - All the treaties from 1830 up.
Q - You don't claim under any particular article of any of these treaties, do you? A - No, sir.
Q - Do you claim anything under the Treaty of 1866? A - I claim from 1830, I don't recollect about 1866.
Q - How about the Atoka Agreement? A - I don't know anything about it.
Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A - No, sir.
Q - Did any of your ancestors ever take advantage of the provisions of this article? A - No, sir, not that I know of.
Q - Did you or any of your ancestors ever claim or receive any lands as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A - No, sir.
Q - Are you married? A - Yes, sir.
Q - Are you making any claim for your wife ? A - Yes, sir.
Q - What do you claim her to be? A - An intermarried Mississippi Choctaw.
Q - What is her name? A - Magie Tidwell.
Q - What is her father's name? A - Jim Miller.
Q - Is he living? A - Yes, sir.
Q - What is her motherIs name? A - I don't know, she is dead and I never saw her.
Q - Is your wife a white woman? A - Yes, sir.
Q - What law did you marry her under? A - Under the laws of the Choctaw Nation.?
Q - You did marry her under Indian law. A - Yes, sir.
Q - Where did you marry her? A - At Rush Creek, Choctaw Nation.
Q - When? A - In 1886.
Q - Have you your marriage license and certificate? A - I haven't got my certificate with me, we didn't have to get any licenses.
Q - Have you any children? A - Yes, sir.
Q - Are you claiming anything in their behalf? A - Yes,sir.
Q - Are they Mississippi Choctaws? A - Yes, sir.
Q - Are they living with you? A - Yes, sir.
Q - Have they always lived with you? A - Yes, sir.
Q -Give the names and ages of your children under 21 years of age and unmarried? A - Eva Myrtle Tidwell, born February 13, 1891, Nora Lillian, born March 22, 1893, Bessie Lee, born December 29, 1895. That is all.
Q - Is there any additional statement in regard to your case you would like to make at this time? A - No, sir.
Q - Have you any papers you would like to file with the Commission in regard to this case? In the event that you should determine it would be desirable to file additional papers in regard to your case, you will be permitted to leave with this Commission any statements, affidavits or other proper papers that you may desire to.

This testimony and such papers as you may be pleased to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable from the evidence in this case to identify you or your children as Mississippi Choctaws or your wife as an intermarried Mississippi Choctaw. You will be furnished later on through the mails in extenso with a copy of the decision of this Commission in regard to your case.

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Matthew P. Tidwell - 3.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 25 day of June, 1906.

Commissioner.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Matthew F. Tidwell for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw.

The applicant, Matthew F. Tidwell, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900, and from his oral testimony given at that time in behalf of his own claim for identification as a Mississippi Choctaw and a claim that he makes for his three minor children, Ivy M., Nora L. and Bessie L. Tidwell as Mississippi Choctaw and a claim that he makes for his wife, Maggie Tidwell, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1898, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all ministerial necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Matthew P. Tidwell, on his own behalf and on behalf of his three minor children, Ivy M., Nora L. and Bessie L. Tidwell, and on behalf of his wife, Maggie Tidwell, as an intermarried Mississippi Choctaw is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3, 1900.

~~Choctaw R. 304.~~

IN RE
THE DEATH OF
Milo F. Tidwell,
~~a citizen of the~~
Nation.

Approved 1

Commissioner.

Miss Choctaw
R 30.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 24 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the death of Milo F. Tidwell
(Here insert name of deceased.)
~~a citizen of the~~ ~~Nation,~~ who formerly resided at or near Beef Creek
(Here insert name of post office.)
, Ind. Ter., and died on the 27 day of January, 1902.

AFFIDAVIT OF RELATIVE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Maggie Tidwell on oath state that I am 37 years of age ~~and a citizen, by~~ , ~~of the~~ ~~Nation;~~ that my post office address is Greton
(Here insert name of post office.)
Ind. Ter.; that I am the wife of Milo F. Tidwell
(State relationship, as: the father, an uncle; a cousin, etc.) (Here insert name of deceased.)
~~who was a citizen, by~~ ~~of the~~ ~~Nation;~~ and that said Milo F. Tidwell died on the 27 day of January, 1902
(Here insert name of deceased.)

WITNESSES TO MARK:

(Must be Two Witnesses.)

Maggie Tidwell

Subscribed and sworn to before me this 21st day of October 1902

C S Hamm
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Southern District.

I, Dixon W. Gibson, on oath state that I am years of age, and a citizen, by , of the Nation; that my post office address is
(Here insert name of post office.)
Ind. Ter.; that I was personally acquainted with
(Here insert name of deceased.)
who was a citizen, by , of the Nation; and that said
(Here insert name of deceased.)
died on the day of , 1

WITNESSES TO MARK:

(Must be Two Witnesses)

Subscribed and sworn to before me this day of 1

Notary Public.

Commission to the Five Civilized Tribes,

Calvin, Indian Territory.

In the application for enrollment of Milo F. Tidwell as Choctaw; being sworn and examined by Commissioner McKennon he testifies as follows:

Q What is your name?

A Milo F. Tidwell.

Q How old are you?

A I am forty-two years old.

Q You claim as a Choctaw citizen?

A Yes sir.

Q You are not on any of the Choctaw rolls?

A No sir.

Enrollment refused on the grounds that the applicant is not on any of the Choctaw rolls.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to the undersigned Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D McKennon

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Milo F. Tidwell for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Milo F. Tidwell, appeared before the Commission at Calvin, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of Milo F. Tidwell for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____ day of _____, 1901.

Muskogee, Indian Territory, September 13, 1900

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen,

The Commission is in receipt of the written requests of Robert E. Whalen and Matthew P. Tidwell to have the records in the matter of their applications for identification as Mississippi Choctaws forwarded to the Honorable secretary of the Interior [redacted] consideration . Also the appearances of Hudson & Arnold as attorneys for the applicants.

The same have been filed, [redacted] the records in these cases will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification as Mississippi Choctaws, as provided in the act of Congress of June 28th, 1898, is forwarded to him for approval.

Yours truly,

Acting Chairman.

M. C. R- 30

M. C. R-207

Muskogee, Indian Territory, January 17, 1901.

M. F. Tidwell,

Ireton, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 3rd instant in which you desire information relative to your rights to enrollment as a citizen by blood of the Choctaw Nation.

You state in said letter that you are a full brother of J. A. Tidwell and Nancy H. Worley and that you believe that you are entitled to recognition and enrollment as a citizen of the Choctaw Nation and that if you are not so entitled, that you be informed so that you may provide for yourself a home in the Comanche country.

Replying to your letter you are informed that the records of this Commission show that you appeared in person and made application for enrollment as a citizen of the Choctaw Nation at Calvin, Indian Territory, in the summer of 1899 and your enrollment was refused at that time for the reason that your name did not appear on any of the tribal rolls of the Choctaw Nation in the possession of the Commission.

The fact that your brother J. A. Tidwell and your sister, Nancy H. Worley have been enrolled by this Commission as citizens of the Choctaw Nation does not in any way affect your rights or claim to enrollment as a citizen of that Nation. Your brother and sister were admitted to citizenship in the Choctaw Nation by a

M E T S

judgment of the United States Court for the Southern District of Indian Territory rendered at Ardmore in citizenship case No. 120 and if you were not a party to the original application made under the act of Congress of June 10th, 1896, nor included in the judgment admitting your brother and sister to citizenship in the Choctaw nation, the Commission could not recognize you as a beneficiary to any rights under such judgment. The power vested in this Commission in the preparation of the rolls of citizens of the Choctaw Nation is to enroll those whose names are found upon the tribal rolls or the names of those persons who have been admitted to citizenship either by the tribal authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes under the act of Congress of June 10th, 1896, or by the United States Courts in Indian Territory on appeal. If therefore, as it appears from the evidence in this case your name is not upon any of the tribal rolls of the Choctaw Nation or you have not been admitted to citizenship in said Nation by the tribal authorities thereof or the legally constituted authorities of the United States, this Commission is without jurisdiction to hear, consider or make any further record in your case.

Yours truly,

Acting Chairman.

7-R-304

Muskogee, Indian Territory, March 7, 1901.

Thomas H. Lancaster,

Bush Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th of February addressed to the Honorable Secretary of the Interior, Washington, D. C. and by him referred to this Commission for consideration and appropriate action.

In your letter you desire to be informed if there have been submitted to the Secretary of the Interior for his consideration either by this Commission or by an attorney, the applications for enrollment as members of the Choctaw Tribe of Indians of Nora J. Lancaster and her three children and K. M. Tidwell.

Replying to your letter the Commission has to inform you that it appears from our records that on June 13th, 1900, Nora J. Lancaster, 23 years of age, appeared before the Commission and made application for the enrollment of herself and her three minor children, Bertha L. Pope, and Thomas and Wm. A . Lancaster, as citizens by blood of the Choctaw Nation.

The Commission upon the personal appearance of Nora Lancaster and a consideration of the oral testimony offered by her at that time and an examination of the records of the Choctaw Nation and of the Commission, rendered the following decision:

"The enrollment of yourself and your children is refused for the reason that your names do not appear upon the tribal rolls now in the possession of this Commission and for the additional reason that it does not appear from the testimony and the records

that either you or your children have ever been recognized by the properly constituted authorities of the Choctaw Nation as Choctaw Indians by blood and for the same reason that neither you nor your children were admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the law of June 10th, 1896 or by a judgment of the United States Court in Indian Territory."

On September 8th, 1900, there was mailed to Nora J. Lancaster at Bush Springs, Indian Territory, a copy of the Commission's decision refusing the application for enrollment of herself and her children as citizens of the Choctaw Nation.

On September 13th, 1900, the Commission was in receipt of request of Nora J. Lancaster to have her case presented to the Honorable Secretary of the Interior "when the final rolls of the Choctaw Nation are passed upon and approved by him." In accordance with the request of Nora Lancaster the records in this case will be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

We cannot inform you with any degree of accuracy at this time as to the forwarding of the roll of the citizens of the Choctaw Nation but the Commission is of the opinion that under no circumstances would the Department receive or consider the record in this case prior to the submission of such final rolls.

It does not appear from our records that any application has ever been made for enrollment as a citizen ofthe Choctaw Nation by any person by the name of K. M. Tidwell but at Calvin, Indian Territory, in August, 1899, Mile F. Tidwell, 42 years of age, appeared before the Commission and made application for enrollment as a citizen by blood of the Choctaw Nation. The enrollment of this applicant was at that time refused for the reason that his name did not appear upon any of the tribal rolls of the Choctaw Nation

F.B.S.

In the determination of the Commission for the further reason that as the members [illegible] in the Choctaw Nation by the Choctaw Legal Adjustment [illegible] Commission to the Five Civilized Tribes under [illegible] June 28th, 1898 or by the United States Court in Indian Territory on appeal.

The record in this case will also be forwarded to the Secretary of the Interior when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

You further desire to be informed in your letter, if a white man who has an Indian wife has a right to homestead land when the same is opened for settlement.

The Commission is led to believe that you desire information relative to the settlement of the Kiowa and Comanche country in Oklahoma. The proper person for you to address with reference to such matter would be the United States Allotting Agent who has charge of this work.

Yours truly,

Acting Chairman.

7-R-304

7-R-582

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

CLAIM

MUSKOGEE, IND. T.
NOV 25
3 30 PM
1901

1

Mr. Matthew Tidwell

RETURN TO WRITER

Muskogee I.T.

30

Muskogee, Indian Territory, November 29, 1901.

Matthew Tidwell,

Chickasha, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and three minor children, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of August 8, 1901, the Commissioner of Indian Affairs remanded to this Commission the record therefore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, January 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-30

Acting Chairman.

1401

Department of the Interior

354/340

Mathew Philo Tidwell
Chickasha
Indian Territory

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 6, 1902.

Mathew Philo Tidwell,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Kinney Tidwell, et al., embracing the following applications for identification as Mississippi Choctaws:

Kinney Tidwell, et al.,	M.C.R. 25
Mariah White, et al.,	M.C.R. 23
William Jefferson Tidwell, et al.,	M.C.R. 26
Emma Franks, et al.,	M.C.R. 28
Armanda Leverette,	M.C.R. 29
Mathew Philo Tidwell,	M.C.R. 30
William Lemmie Tidwell, et al.,	M.C.R. 31
John R. Robertson, et al.,	M.C.R. 32
William A. Woods, et al.,	M.C.R. 18
J. W. Woods, et al.,	M.C.R. 19

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under

> article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'
>
> It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Kinney Tidwell, Martheena Tidwell, Mariah White, Madison Kensler Tidwell, William Jefferson Tidwell, William H. Tidwell, Emma Franks, William Franklin Hudson, Armanda Leverette, Mathew Philo Tidwell, Iva Myrtle Tidwell, Nora Lillian Tidwell, Bessie Lee Tidwell, William Lemmie Tidwell, John R. Robertson, Lillie May Robertson, William A. Woods, William Allen Woods, Thomas Manner Woods, Lawrence Leslie Woods, J. W. Woods, William J. Woods, Myrtle E. Woods, and Maudie M. Woods, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.
>
> In view of the fact that a motion was heretofore made by the attorney for the applicant withdrawing the application made by William Jefferson Tidwell for the identification of his wife, Sallie G. Tidwell, as an intermarried Mississippi Choctaw, and that upon said motion said application was dismissed by the Commission, no further consideration of her case is necessary.
>
> It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Mathew Philo Tidwell for the identification of his wife, Maggie Tidwell, and by William Lemmie Tidwell for the identification of his wife, Catherine Tidwell, and by J. W. Woods for the identification of his wife, M. E. (or Etter) Woods, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

M. P. T., 3.

Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M.C.R. 30.

Registered.

.30

MUSKOGEE, IND. T.
MAY 10
11 AM

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 10 1902

ACTING CHAIRMAN

WASHINGTON
APR
1902
P.M.

MUSKOGEE, IND. T.
MAY
1902
P.M.

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, IND. T.
APR 11
3 30 PM
1902

RETURN TO WRITER

Mathew Philo Tidwell
Chickasaw Nation
Ind. Ter.

RETURN TO WRITER

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 30

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 10, 1902

Mathew Philo Tidwell,

Chickasha, Indian Territory.

Dear Sir:-

You are hereby advised that on the 2nd day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Kinney Tidwell, et al., of which decision you were duly advised by registered mail on February 6, 1902.

Yours truly,

Commissioner in Charge

Choctaw R 304
Miss. Choctaw R 30

Muskogee, Indian Territory, October 24, 1908.

W. O. Roall,

Choctaw-Chickasaw Enrollment Party,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 21, inclosing affidavit of Maggie Tidwell to the death of Milo F. Tidwell, Choctaw R 304.

You are informed that it appears from our records that Choctaw card R 304, Milo F. Tidwell, has been cancelled and the record transferred to Mississippi Choctaw R 30, Matthew F. Tidwell, upon a showing made as to the discrepancy in names. This application is a part of the consolidated Mississippi Choctaw case of Kinney Tidwell, which has been refused by the Commission and the action of the Commission approved by the Secretary of the Interior. The affidavit of death has been filed with the records in the case of Matthew F. Tidwell, Mississippi Choctaw R 30.

Respectfully,

Acting Chairman.

Maggie Bidwell,

Intermarried Mississippi Choctaw

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED.

JUN 13 1900

CLOSED

JUL 12 1906

MEMORANDA.

(Date) June 13, 1900

Matthew Philo Tidwell (43) Chickasha, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes, (1/8) Mother's citizenship Choc (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Wife's name, Maggie Tidwell, (yes)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes,

Married under what law? Jim Miller, (father)

License filed this day .....

Names of children:

	County	Year	Page	No.
9. Ivy Myrtle	County 1891.	Year	Page	No.
7. Nora Lillian	County 1893.	Year	Page	No.
3. Bessie Lee	County 1895	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personally appeared before me this June 13, 1900

Mansell Tidwell, (father) (1/2) dead

Harriet Tidwell, (mother) (1/4)

R. # 30

Evidence:
Matthew Philo Tidwell
Ora Myrtle "
Nora Lillian "
Bessie Lee "
Maggie "

Judgment.
Matthew P. Tidwell.
Ora M. "
Nora L. "
Bessie L. "
Maggie "

R. MANGELSDORF

Matthew P. Tidwell et al.
vs
Choctaw Nation

Mississippi Choctaw Case No. R. 30.

Original testimony and all papers filed in this case forwarded Secretary of Interior, December, 3rd, 1900.

CHOCTAW

REFUSED

Matthew P. Tidwell et al

v.

Judgment rendered

4

61036	Indian [illegible] Incl. No. [illegible]	1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT
AUG 3 1900

C. C.

MGR 31

IDENTIFICATION AS
MINOR OF CHOCTAW

Lemmie Tidwell et al

REFUSED.

DECISION RENDERED. JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 6 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1902

COPY OF DECISION FORWARDED
ATTORNEY FOR APPLICANT. [illegible] 6 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

[illegible]

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

[illegible] 1902

REFER TO M. O. R. 25

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

-----o-----

In the matter of the application of William Lennie Tidwell for enrollment as a Mississippi Choctaw, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - William Lennie Tidwell.
Q - How old are you? A - I can't hardly tell you, about 42 is as near as I can come to it.
Q - What is your post office address? A - Chickasha, I.T.
Q - How long have you lived there? A - I went there I believe last March.
Q - Where did you live before that? A - I lived down on Rush Creek, Indian Territory.
Q - How long have you lived in the Indian Territory? A - About 20 years.
Q - Where did you live before coming to the Indian Territory?
A - I lived in Texas.
Q - Were you born in Texas? A - No, sir.
Q - Where were you born? A - I was born in Georgia, they tell me.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - Mansell Tidwell.
Q - Is he living? A - No, sir.
Q - Was he a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood did he claim to have?
A - To the best of my recollection he was a half breed.
Q - Did his name ever appear on the Choctaw Tribal rolls?
A - I don't know, sir.
Q - Was he ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - Not that I knew of.
Q - What is the name of your mother? A - Harriett Smith Tidwell.
Q - Is she living? A - No, sir.
Q - Was she a white woman or a Choctaw Indian? A - She was part Indian.
Q - What proportion of Choctaw Indian blood did she claim to have? A - Quarteroon, I believe.
Q - Was her name ever on the Choctaw Tribal rolls? A - Not that I know of.
Q - Was she ever recognized by the Tribal authorities as a Choctaw Indian? A - Not that I know of.
Q - What proportion of Choctaw blood do you claim to have?
A - I can't hardly tell you, but I think about 1/8 or 1/16.
Q - Has your name ever been on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A - Not further than just exemption from paying permits
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - This is your first application? A - Yes, sir.
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - Well, I claim from 1830 up.
Q - You claim under all the treaties from 1830 up? A - Yes, sir, Mississippi Choctaws.
Q - Do you claim under the Treaty of 1866? A - Well I claim from 1830 up.

Q - That is up, isn't it? A - Yes, sir.
Q - Do you claim under the Atoka Agreement? A - No, sir.
Q - Do you claim especially under the 14th article of the Treaty of Dancing Rabbit Creek? A - I don't know what that is.
Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.
Q - Did any of your ancestors ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek?
A - No, sir.
Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.
Q - Are you married? A - Yes, sir.
Q - Are you making any claim for your wife? A - Yes, sir.
Q - What do you claim her to be? A - An intermarried Mississippi Choctaw.
Q - What is her name? A - Catharine Tidwell.
Q - How old is she? A - 43.
Q - What is the name of her father? A - Her father was Robinson, I don't know his given name, he is dead.
Q - What was the name of her mother? A - I don't know, she is dead too.
Q - Your wife is a white woman? A - Yes, sir.
Q - Doesn't claim any Choctaw Indian blood, does she? A - No.
Q - Have you any children under 21 years of age and unmarried?
A - No, sir, none at all.
Q - Is there any additional statement in regard to your case that you would like to make at this time? A - No, sir.
Q - Have you any papers you would like to file with the Commission? A - Not at the present time.
Q - In the event that you should determine that it is advisable for you to furnish in future any additional testimony in regard to your case, you will be permitted to file any written statements, affidavits, or other proper papers that you may desire to.

The testimony in this case and such papers as you may leave with the Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw or your wife as an intermarried Mississippi Choctaw. You will be furnished later on through the mails with a copy of the decision of the Commission in regard to your case in extenso.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 2[illegible] day of June, 1900.

Commissioner.

W C 31

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William L. Tidwell for enrollment as a Mississippi Choctaw, and for the enrollment of his wife as an intermarried Mississippi Choctaw.

The applicant, William L. Tidwell, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900, and from his oral testimony given at that time in behalf of his claim for identification as a Mississippi Choctaw and a claim that he makes for his wife, Catherine Tidwell, as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that neither of the applicants have ever been on any of the rolls of the Choctaw Nation or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit)

" Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such; and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of William L. Tidwell, on his own behalf, and on behalf of his wife, Catherine Tidwell as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3 1900.

[illegible], Indian Territory, May 26, 1908.

Mr. W. L. Tidwell,

[illegible], Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you desire to be informed if there has been received by this office any papers relative to your citizenship in the Choctaw Nation from Messrs. Hudson & Arnold, Ardmore, Indian Territory, your attorneys, and if so, if any action has been taken by the Commission relative to the enrollment of yourself and family.

Replying to your letter you are informed that it appears from our records that on June 12, 1900, William Lemuel Tidwell appeared before this Commission at Colbert, Indian Territory, and made application for identification as a Mississippi Choctaw.

On August 3, 1900, there was addressed to you at Chickasha, Indian Territory, a letter enclosing a decision refusing your application for identification as a Mississippi Choctaw and on December 3, 1906, the testimony, original records, and all the exhibits in this case were transmitted to the Secretary of the Interior for his consideration and action.

Since that time the Commission has had no instructions from

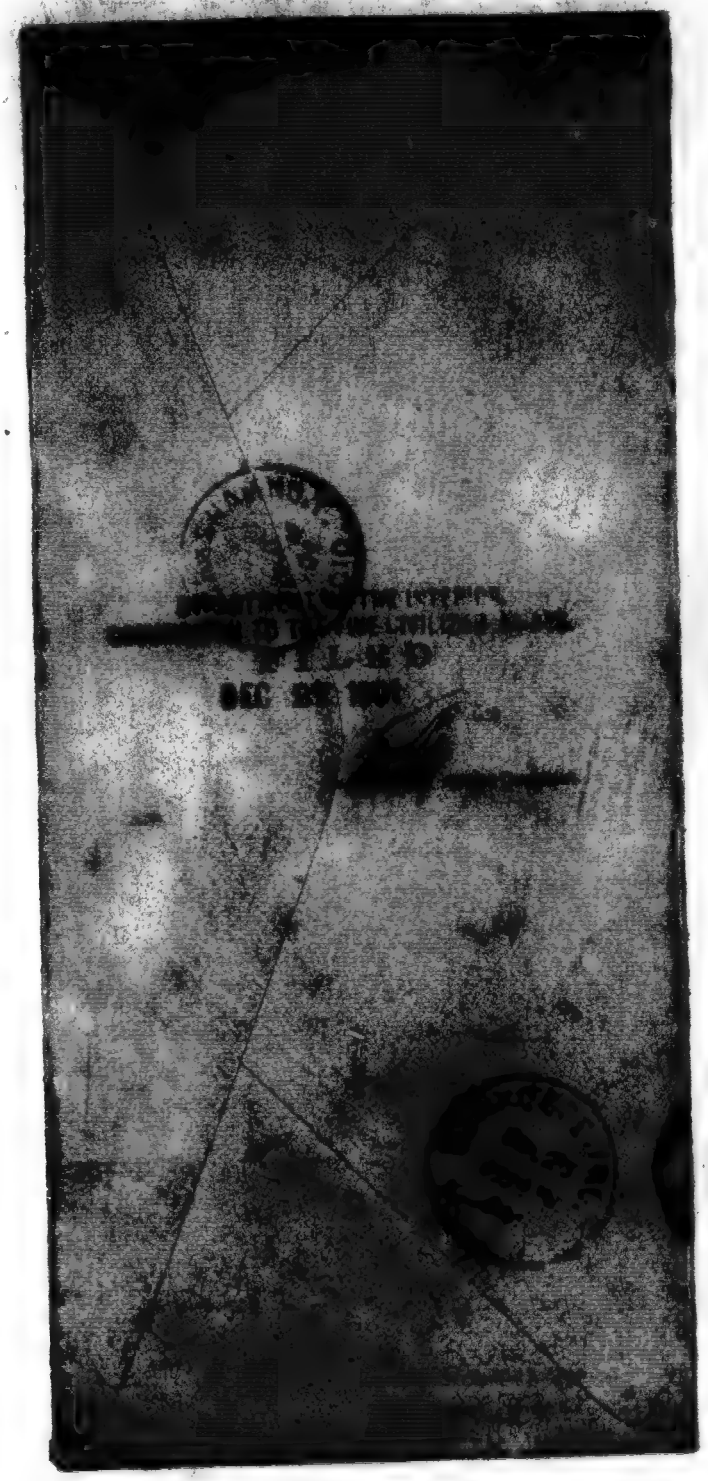
W. L. T.--Z.

the Department relative to this application. When such is received, you will be notified of the action of the Secretary of the Interior relative thereto.

Yours truly,

Acting Chairman.

MGR 31



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE
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1901

UNCLAIMED

Mr. Wm. L. Tidwell
Checotah
I. T.

RETURN TO WRIT.

31
Hudson v. Arnold
Anderson

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1901.

Wm. L. Tidwell,

Chickasha, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, January 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-31

Acting Chairman.

IOKASHA
FEB
INDIAN TER

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAR 17 1902

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED
MUSKOGEE

35.5
/340

William Lemmie Tidwell
Checkasha
Indian Territory

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 6, 1902.

William Lemmie Tidwell, et al.,

Chickasha, Indian Territory.

Dear Sir:

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Kinney Tidwell, et al., embracing the following applications for identification as Mississippi Choctaws:

Kinney Tidwell, et al.,	M.C.R. 25
Mariah White, et al.,	M.C.R. 23
William Jefferson Tidwell, et al.,	M.C.R. 26
Emma Franks, et al.,	M.C.R. 28
Armanda Leverette,	M.C.R. 29
Mathew Philo Tidwell, et al.,	M.C.R. 30
William Lemmie Tidwell, et al.,	M.C.R. 31
John R. Robertson, et al.,	M.C.R. 32
William A. Woods, et al.,	M.C.R. 18
J. W. Woods, et al.,	M.C.R. 19.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Kinney Tidwell, Marthena Tidwell, Mariah White, Madison Kensler Tidwell, William Jefferson Tidwell, William B. Tidwell, Emma Franks, William Franklin Hudson, Armanda Leverette, Mathew Philo Tidwell, Iva Myrtle Tidwell, Nora Lillian Tidwell, Bessie Lee Tidwell, William Lemmie Tidwell, John R. Robertson, Lillie May Robertson, William A. Woods, William Allen Woods, Thomas Manser Woods, Laurence Leslie Woods, J. W. Woods, William J. Woods, Myrtle E. Woods, and Maudie M. Woods, as Choctaw Indians entitled to rights in the Choctaw lands, under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for the applicant withdrawing the application made by William Jefferson Tidwell for the identification of his wife, Sallie G. Tidwell, as an intermarried Mississippi Choctaw, and that upon said motion said application was dismissed by the Commission, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Mathew Philo Tidwell, for the identification of his wife, Magie Tidwell, and by William Lemmie Tidwell for the identification of his wife, Catherine Tidwell, and by J. W. Woods for the identification of his wife, M. E. (or Etter) Woods, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

W. L. T., 3.

Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

M.C.R. 31.

Registered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 10 1902

Acting Chairman

Department of the Interior
[illegible] to [illegible]
[illegible] 188[illegible]
[illegible] official business.
[illegible] Penalty for [illegible] use, $300.

RETURN TO WRITER

Wm Lewis Tidwell
Chicasha
Ind. T.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 31

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 10, 1902

William Lemmie Tidwell,

Chickasha, Indian Territory.

Dear Sir:-

You are hereby advised that on the 2nd day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Kinney Tidwell, et al., of which decision you were duly advised by registered mail on February 6, 1902.

Yours truly,

Commissioner in Charge

R. # 31.
Evidence:
William Lemmie Tidwell.

Judgmt.
William L. Tidwell.

R. MANGELSDORF.

Wm Lemmie Tidwell et al
vs.
Choctaw Nation
Miss. Choc. Case No. R 31

Original testimony and all papers filed in this case forwarded Secretary of Interior,
Dec. 3rd 1900

January [illegible] 1901.
W. L. Tidwell, Johnson, I.T.

M. C. R. -31.

Wm Lennie Tidwell et al.

On June 13th, 1900, Wm Lennie Tidwell, appeared before the Commission at Colbert, I.T. and applied for identification as a Mississippi Choctaw. On August 3rd, 1900, a decision was rendered in this case, refusing the application and copy was mailed the applicant at Chickasha, Indian Territory. On December 3rd, 1900 the original papers in this case were transmitted to the Secretary of the Interior.

Note has been made of the change in the Post Office address.

Please send carbon copy of letter prepared in reply, for our file.

AB.

Catharine Ridwell, 243

Intermarried

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED.

JUN 17 1900

RECEIVED
JUN 13 1900

MEMORANDA.

(Date) June 13, 1900

Name Mrs Lemmie Tidwell (42) Chickasha, I.T.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes, (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Wife's name, Catharine Tidwell. (43)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes.

Married under what law? (father) Robinson, Dead

License filed this day ..... (mother) Dead

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personally appeared before me this 13th day of June 1900 Collins

Mansell Tidwell (father) (1/2)
Harriet Tidwell (mother) (1/4)

The Seminole [illegible]

Judgment [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED [illegible]

AUG 3 1900

[illegible] ACTING CHAIRMAN.

10

[illegible] Office.

[illegible] 10000

RECORD FORWARDED DEPARTMENT.

FEB 6 1902

Choc mcR 32 John R. Robertson

See mcR 25

mcR 32

REFUSED.

DECISION RENDERED. JAN 29 1902

RECORD FORWARDED DEPARTMENT.

FEB 6 1902

NOTICE OF DECISION MAILED APPLICANT.

FEB 6 1902

COPY OF DECISION FORWARDED ATTORNEY FOR APPLICANT.

FEB 6 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

FEB 6 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

APR 10 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

APR 10 1902

REFER TO M. C. R. 25

Mc-R 52

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 13, 1900.

---o---

In the matter of the application of John R. Robertson for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - John R. Robertson.
Q - What is your age? A - 25.
Q - What is your post office address? A - Perdue, I. T.
Q - How long have you lived at Perdue? A - About, off and on, for about 20 years, right around there.
Q - Where did you live before coming to the Indian Territory?
A - Montag County, Texas.
Q - Were you born in Texas? A - Yes, sir.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - Rube Robertson.
Q - Is he living? A - No, sir.
Q - Was he a Choctaw Indian or a white man? A - A white man.
Q - What was the name of your mother? A - Elizabeth Tidwell.
Q - Is she living? A - Yes, sir.
Q - Was she a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw Indian blood did she claim to have? A - 1/4.
Q - Was her name ever on the Choctaw Tribal rolls? A - No, sir.
Q - Was she ever recognized by the Choctaw Tribal authorities as being a Choctaw Indian? A - No, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - 1/8.
Q - Has your name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw citizen? A - No, sir.
Q - Did you apply to the Dawes Commission for enrollment in 1896? A - No, sir.
Q - Is this your first application? A - Yes, sir, I applied before the Dawes Commission last year, but they wouldn't hear me.
Q - This is your second application then? A - Well, I suppose so.
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - The Treaty of 1830 and all treaties from then on relating to the Mississippi Choctaw Tribe.
Q - All treaties from then on relating to the Mississippi Choctaw Tribe? A - Yes, sir.
Q - Do you claim under the Treaty of 1866? A - Yes, sir, under all of them from 1830.
Q - Do you claim anything under the Atoka Agreement? A - I don't know anything about that.
Q - That is a Treaty made in 1897? A - I suppose so.
Q - Then I am to understand you that your claim is not based upon any particular article of any particular treaty, but you claim under the Treaty of 1830 and all the Treaties negotiated since that date with the Choctaw Indians?
A - From 1830 up, yes, sir.
Q - Did you ever take advantage of the provisions of the 18th article of the treaty of 1830? A - No, sir.
Q - Did you ever take advantage of the provisions of the 14th article? A - No, sir.
Q - Did any of your ancestors ever take advantage of the provisions of either of these articles? A - Not that I know of.
Q - Did you or any of your ancestors ever claim or receive any

land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A - Not that I know anything about.

Q - Do you know whether you did or not? A - No, sir, I didn't.

Q - And as to your ancestors you don't know? A - No, sir.

Q - Are you married? A - Yes, sir.

Q - Are you making any claim for the enrollment of your wife?

A - No, sir.

Q - Have you got any children? A - One.

Q - What is the name of your wife? A - Rachel J.

Q - Is she a white woman? A - Yes, sir.

Q - Have you your marriage license and certificate with you?

A - No, sir.

Q - Where were you married? A - At Purdue, I. T.

Q - When? A - In 1897.

Q - Under United States law? A - Yes, sir.

Q - Do you claim your child to be a Mississippi Choctaw?

A - Yes, sir.

Q - Does his claim have the same foundation as your own? A - Yes, sir.

Q - What is the name and age of your child? A - Its name is Lillie May, age 8.

Q - Is there any additional statement in regard to your case you would like to make at this time? A - No, sir.

Q - Do you wish to file any papers? A - No, sir.

Q - In the event that further on, in the near future, you may determine it is beneficial to your case to file additional evidence in the form of statements, affidavits, or other proper papers, you will be permitted to do so.

The testimony in this case and such papers as you may file with this Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the Citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable from the evidence in this case to identify you or your child as Mississippi Choctaws. You will be furnished with a copy of the decision of this Commission in writing through the mails.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 27 day of June, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of John R. Robertson and his minor child .

The applicant, John R. Robertson, appeared before the Commission at Colbert, Indian Territory, June 15th, 1900, and from his oral testimony given at that time in behalf of his claim for identification of himself and minor child as Mississippi Choctaws.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congressof June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the Act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of John R. Robertson and his minor child, Lillie M. Robertson, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept 4th, 1900.

Muskogee, Indian Territory, November 22, 1901.

John R. Robertson,

Purdy, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor child, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, January 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as may present themselves in person in support of your application.

Yours truly,

M.C.-32.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 6, 1902.

John R. Robertson,

Purdy, Indian Territory.

Dear Sir: -

You are hereby advised that on the 29th day of January, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Kinney Tidwell, et al., embracing the following applications for identification as Mississippi Choctaws:

Kinney Tidwell, et al.,	M.C.R. 25
Mariah White, et al.,	M.C.R. 23
William Jefferson Tidwell, et al.,	M.C.R. 26
Emma Franks et al.,	M.C.R. 28
Armanda Leverette,	M.C.R. 29
Mathew Phile Tidwell, et al.,	M.C.R. 30
William Lemmie Tidwell, et al.,	M.C.R. 31
John R. Robertson, et al.,	M.C.R. 32
William A. Woods, et al.,	M.C.R. 18
J. W. Woods, et al.,	M.C.R. 19.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under

article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Kinney Tidwell, Marthena Tidwell, Mariah White, Madison Kensler Tidwell, William Jefferson Tidwell, William B. Tidwell, Emma Franks, William Franklin Hudson, Armanda Leverette, Mathew Philo Tidwell, Iva Myrtle Tidwell, Nora Lillian Tidwell, Bessie Lee Tidwell, William Lemmie Tidwell, John R. Robertson, Lillie May Robertson, William A. Woods, William Allen Woods, Thomas Manser Woods, Laurence Leslie Woods, J. W. Woods, William J. Woods, Myrtle E. Woods, and Maudie M. Woods, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused and it is so ordered.

In view of the fact that a motion was heretofore made by the attorney for the applicant withdrawing the application made by William Jefferson Tidwell for the identification of his wife, Sallie G. Tidwell, as an intermarried Mississippi Choctaw, and that upon said motion said application was dismissed by the Commission, no further consideration of her case is necessary.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Mathew Philo Tidwell for the identification of his wife, Magie Tidwell, and by William Lemmie Tidwell for the identification of his wife, Catherine Tidwell, and by J. W. Woods for the identification of his wife, M. E. (or Etter) Woods, as intermarried Mississippi Choctaws should therefore be refused and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the

J. R. R., 2.

Interior for his review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). James Bixby.

Acting Chairman.

M.C.R. 32.

Registered.

M.C.R. 32

Muskogee, Indian Territory, April 10, 1902

John R. Robertson,

Purdy, Indian Territory.

Dear Sir:-

You are hereby advised that on the 2nd day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws, of the several persons included in the consolidated case of Kinney Tidwell, et al., of which decision you were duly advised by registered mail on February 6, 1902.

Yours truly,

Commissioner in Charge

John R. Robertson et al

vs.

Choctaw Nation

Miss. Choc. Case No. R #32

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd. 1900

R. # 82.

Evidence,

Lillie May Robertson.

Judgment.

Lillie M. Robertson.

R. MANGELSDORF.

RECEIVED
JUN 13 1900

MEMORANDA.

(Date) June 13 1900.

Name John R. Robertson. (2 of Purdie, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? ..... (N.S.)

Married under what law? .....

License filed this day .....

~~Name~~ Rachel J.

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
2, Lillie May	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Parents not enrolled as such

Rube Robertson (father) and
Elizabeth Tidwell, (mother) "

SEALED.

[illegible] et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
SEP 5 1900

ACTING CHAIRMAN.

10

61036	Indian Office. Incl. No. 54	1900

RECORD FORWARDED DEPARTMENT.
FEB 6 - 1902

Ex 13.

mcR 33

REFUSED

DECISION RENDERED JUL 23 1902

NOTICE OF DECISION MAILED APPLICANT.

JUL 23 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 23 1902

RECORD FORWARDED DEPARTMENT.

JUL 23 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 23 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

SEP 5 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

SEP 5 1902

4/10/02 P.O. address
Woodville, Texas.
9/24/1902 P.O. Cliff, I.T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June18, 1900.

In the matter of the applicati n of Georgia Walker for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Georgia Walker.
Q What is your age? A Thirty-three.
Q What is your post-office address? A Cliff, I.T.
Q How long have you lived at Cliff? A Three years.
Q Where did you live before moving to Cliff? A We lived up on the Canadian.
Q How longhave you lived in the Indian Territory? A Eleven years.
Q Continuously? A Yes sir.
Q Where did you live before coming to the Indian Territory?
A In Texas.
Q Were you born in Texas? A Yes sir.
Q And lived there all your life until you moved to the Indian Territory? A Yes sir.
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A Als Odum.
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did he claim to have?
A One-half.
Q Was his name ever on the Choctaw rolls? A Not that I know of
Q Was he ever recognized by the Tribal authoriti s as being a Choctaw Indian? A Not that I know of.
Q What is the name of your mother? A Bettie Holland.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q What proporti on of Choctaw Indian blood do you claim to have?
A Quarter.
Q Has your name ever been on the Choctaw rolls? A No sir.
Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw citizen? A No sir.
Q Did you apply to the Dawes Commission in 1896? A Nosir.
Q This your first applicati on? A Yes sir.
Q You claim to be a Mississippi, Choctaw? A Yes sir.
Q Upon what treaty do you base your claim? A 1830 and 1866.
Q Is that all? A Yes sir.
Q Don't your claim under any of the other treaties? A All that belong to the Mississippi Choctaws.
Q Do you claim anything under the Atoka Agreement? A Under all
Q If I understand you correctly you base your claim as being a Mississippi Choctaw under all the treaties including the treaty of 1830 made with the Choctaw Indians? A Yes sir.
Q You don't base your applicati on for identification upon any particular provision of any particular treaty? A Nosir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A Nosir.
Q Did any of your ancestors ever take advantage of the provisio s of this Treaty? A No sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisi ons of the 14th article of this Treaty ? A No sir.
Q Did you ever claim under the 19th article? A No sir.
Q Are you married? A Yes sir.
Q Do you make any claim in behalf of your husband? A Nosir.
Q Have you got any children? A I have four.
Q Do you claim that they are Mississippi Choctaws? A Yessir.
Q Their claim is the same as yours? A Yes sir.

Q What is the name of your husband? A Wes Walker.
Q Is he living? A Yes sir.
Q Under what law did you marry him? A United Statslaw.
Q Where? A In the Territory.
Q When? A 3rd of December 1888
Q Have you your marriage license and certificate with you?
A No sir, I haven't them with me.
Q What are the namesof your children and their ages?
A Lena Walker, ten years old; Has Walker, eight years old; Una Walker, five years old; Perna Walker, two years old.
Q Are these children living with you? A Yes sir.
Q Their residence and post-office address the same as yours?
A Yes sir.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
Q Have you any papers that you desire to file with this Commission
A Yes sir.

(Papers offered, and placed on file.)

The testimony in this case, and such papers as you may desire to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

The Commission is unable, from the evidence in this case, to identify either you or your children as Mississippi Choctaws. You will be furnished with a copy of the decision of the Commission, in writing, through the mails.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 18 day of June 1900.

Acting Chairman.

M.C. 93

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Georgia Walker for identification of herself and four minor children as Mississippi Choctaws.

The applicant, Georgia Walker, appeared before the Commission at Colbert, Indian Territory, June 13th, 1900, and from her oral testimony given at that time in behalf of her own claim for identification as a Mississippi Choctaw and a claim that she makes for her four minor children, Lena, Cass, Una and Perna Walker, as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Court in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit)

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognised citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw- Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen Hundred and thirty.

The application for identification as Mississippi Choctaws of Georgia Walker, on her own behalf and on behalf of her four minor children, Lena, Cass, Una and Perna, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, August 3, 1900.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Georgia Walker, et al., for identification as Mississippi Choctaws, M C R 53.

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Georgia Walker, et al., for id entification as Mississippi Choctaws.	1
Written petition of Georgia Walker.	3
Copy of marriage record between Georgia Gibbs and W. W. Walker.	4
Written decision of the Commission denying the application of Georgia Walker, et al., for identification as Mississippi Choctaws.	5
Copy of letter of the Commission to Georgia Walker, transmitting above decision.	7
Registry receipt.	8
Copy of letter of Commissioner of Indian Affairs to the Commission to the Five Civilized Tribes, requesting case of Georgia Walker, et al., for further hearing.	9
Copy of letter of the Commission to the Commissioner of Indian Affairs, notifying him of the rehearing in this case.	10
Copy of letter of the Commission to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nation, of like import.	11
Copy of letter of the Commission to S. W. Goodwin attorney for applicants, of like import.	12
Copy of letter of the Commission to Georgia Walker, applicant within, of like import.	13

Certificate of H. H. Hornbeck, M. D. as to the inability of Georgia Walker to appear before the Commission. 14

Transcript of proceedings had on the day set for the rehearing herein. 15

Written petition of Georgia Walker, asking for a continuance in this case. 16

Affidavit of H. H. Hornbeck, M. D. in support of said petition. 19

Copy of letter of the Commission to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, notifying them of the continuance granted herein and of the date set for further hearing. 20

Registry receipt. 21

Copy of letter of the Commission to Georgia Walker, applicant herein, of like import. 22

Registry receipt. 23

Transcript of proceedings had on the said rehearing according to continuance granted. 24
Oral testimony of Georgia Walker on said rehearing. 24

Oral testimony of James Williamson. 30

Final decision of the Commission in the case of Georgia Walker, et al., applicants for identification as Mississippi Choctaws, denying said application. 32

JRB
C.v.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Georgia Walker, et al., for identification as Mississippi Choctaws, M C R 53.

—: D E C I S I O N :—

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Georgia Walker for herself and her four minor children, Lena, Cane (Ethel), Una and Perma Walker, under the following provisions of the act of Congress approved June 28, 1898, (30 Stat., 495):

> "Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Hal Olen, who is alleged to have been a full

blood Choctaw and to have resided in the old Choctaw Nation, States of Mississippi and Alabama, in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mal Odom, or a less remote ancestor of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Walker, Lena Walker, Cass (Ezra) Walker, Una Walker and Perry

Walker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

ACTING CHAIRMAN.

T. B. Needham

Commissioners.

Muskogee, Indian Territory,

JUL 23 1902

M.C.R. 33.

[illegible] Territory, July 23, 1902.

Georgia Walker,

Olirr, Indian Territory.

Dear Madam:

You are hereby advised that on the 23d day of July, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Walker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Walker, Lena Walker, Jane (Jim) Walker, Sam Walker and Perma Walker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen

of the treaty of eighteen hundred and thirty, and that the application for water identification as such should be refused, and it is so ordered.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Registered.

COPY. N.C.R. 23.

Muskogee, Indian Territory, July 23, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of July, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Walker, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

M McK & C 2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Walker, Lena Walker, Cass (Ezo) Walker, Una Walker and Verna Walker as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

N.S.R. 33.

COPY.

Muskogee, Indian Territory, July 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Georgia Walker, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of July 22, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.

1 enclosure.

COPY.

Land 44141--1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, Aug. 6, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report dated July 23, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding the record relative to the application of Georgia Walker, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article 14 of the treaty of 1830. Georgia Walker applies for the identification of herself and her four minor children, Lena, Cass, Una and Perna Walker.

July 23, 1902, the Commission held that the applicants above named were not entitled to identification as Mississippi Choctaws.

The applicants to this consolidated case attempt to trace descent from Mal Odem. The last name is also spelled in the record "Odem" and "Oadam." Alec Odem, the record shows, was a son of Mal Odem; that he married Bettie Odem, nee Husband; and that they were the parents of principal applicant Georgia Walker.

The records of this office do not show that anyone by the name of Odem, Odem or Oadam complied or attempted to comply with the pre-

visions of the 14th article of the treaty of 1830, or that he applied to the Commissions appointed under the acts of March 3, 1837 and August 23, 1842, for an adjudication of his rights as a Choctaw Indian. This being true, the decision of the Commission is correct and should be affirmed.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (S)

D. C. 14038--1902. 50708. MAF.

DEPARTMENT OF THE INTERIOR.

Washington, August 23, 1902.

ITD. 4805--1902.

C R S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

The Department has considered the record in the matter of the application for identification as Mississippi Choctaws, of Georgia Walker and her four minor children, Lena, Cass (Hae), Una and Perna Walker. The record, including your decision of July 23, 1902, denying the application, was transmitted with your letter of that date.

The applicants attempt to trace their Choctaw descent from one Mal Odom, alleged to have been a full-blood Choctaw Indian residing in the old Choctaw Nation in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Odom or a less remote ancestor of applicants ever complied or attempted to comply with the provisions of article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs forwarded the papers

August 6, 1902, and recommended that your decision be approved. A copy of his letter is inclosed.

After a careful review of the whole case the Department affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

E M D.

1 inclosure.

N. C. N. 25.

COPY

Muskogee, Indian Territory, September 2, 1902.

Georgia Walker,

Gliff, Indian Territory.

Dear Madam:

You are hereby advised that on the 23d day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Georgia Walker, et al., of which decision you were duly advised by registered mail on the 23d day of July, 1902.

Yours truly,

SIGNED:

Tams Bixby.

Acting Chairman.

N. C. R. 38

COPY.

Muskogee, Indian Territory, September 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Georgia Talker, et al., of which decision you were duly advised by mail on the 22d day of July, 1903.

Yours truly,

(SIGNED)

Tams Bixby,

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 10, 1902.

In the matter of the application for identification as Mississippi Choctaws of Georgia Walker et al., M.C.R. 33.

At the office of the Commission to the Five Civilized Tribes, Muskogee, Indian Territory, April 10, 1902, at nine o'clock A.M., the cases of the applicants herein being continued to this day and date and said cases being called, Georgia Walker, the applicant in chief, appeared in her own behalf. There was no appearance on the part of the Choctaw and Chickasaw Nations.

Georgia Walker being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Georgia Walker.
Q How old are you? A I am thirty four years old.
Q What is your post office address? A Woodville, Indian Territory.
Q How long have you lived there? A A year ago the 6th day of last month.
Q Where were you living prior to that time? A At a little town by the name of Cliff.
Q Are you the identical Georgia Walker who appeared before the Commission at Colbert, Indian Territory, June 13, 1900, and made application for the identification as Mississippi Choctaws of yourself and your four minor children? A Yes sir, same one.
Q Do you understand that at the time you made your appearance that you applied for identification as a Mississippi Choctaw? A Yes sir.
Q And that you claimed your rights under the fourteenth article of the treaty of 1830? A I am not certain.
Q Do you understand the fourteenth article of the treaty of 1830? Have you ever read it? A I don't know as I have. I have been sick so much I have mighty near forgot.

The law vesting this Commission with authority to hear persons claiming rights as Mississippi Choctaws is found in section 21 of the act of Congress of June 28, 1898, and is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This treaty of which article fourteen is a part was concluded between the United States Government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in Mississippi September 27, 1830. The Choctaws at that time occupied a portion of the State of Mississippi and a small portion of the State of Alabama lying along the Western boundary line. The object of that treaty was to secure the removal from the country they then occupied to the new Choctaw Nation in the Indian Territory. At the time this treaty was made many Choctaws didn't want to come to this new country- they preferred to remain in the old Choctaw Nation, and for the benefit of that class of Indians article fourteen was made a part of the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty,and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity."

This article required that in case a Choctaw elected to remain in the old Choctaw Nation in Mississippi and Alabama, he should within six months after the ratification of that treaty- that treaty was ratified by Congress on the 24th day of February, 1831- go before the Government agent there in Mississippi and signify to him, that is tell him or notify him in some way that he wanted to stay in Mississippi, take land under that treaty and article and become a citizen of the United States: after having done that, this Choctaw was entitled to a reservation as a head of a family of one section of land, and for each child in his family unmarried and under age,but over ten years of age, a half section or 320 acres of land, and for such child under ten a quarter section of land or 160 acres- the reservations of the children to adjoin the reservation of the parent, and these reservations to include any improvements owned by the head of the family at the time of the making of the treaty, that is September 27, 1830. This article also required that he should reside upon the land he received for five years, after which time a title in fee simple- that is, after which, the Government would give him a deed or patent. The last clause of that article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but, if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That means that a Choctaw who had complied fully with the article, receiving his lands and residing upon them the necessary length of time, did not forfeit his right to citizenship- Choctaw citizenship in the Indian Territory but he did forfeit any rights to the Choctaw annuity, that is, any moneys paid annually to the Choctaw Indians under treaty provisions.

Q Now, is that the article under which you base your claim? A Yes sir.
Q You think you understand it now as I have read and explained it to you? A I think I do as you have explained it.
Q That is a full explanation of the things necessary to be proven in order to be idenfied as Mississippi Choctaw. A yes sir.
Q What is the name of your ancestor- Choctaw ancestor- who lived in Mississippi or Alabama in the old Choctaw Nation at the time this treaty was made? A Any of my people?
Q Yes, your foreparents? A My grandfather.
Q What was his name? A Mal Odom.
Q You say he was your grandfather? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Als Odom.
Q How old would your father be if living now? A I can't tell you; I was just a baby when he died.
Q Do you know how old he was when he died? A No sir.
Q Is your mother living? A No sir.
Q What was her name? A Mary Holland.
Q You testified in Colbert that her name was Betty-- A Well, Mary Elizabeth is her name.
Q Which is the correct name? A Near everybody called her Betty.
Q Was she a white woman? A Yes sir.
Q Then you get your Choctaw blood from your father? A Yes sir.
Q And he gets it from Mal Odom? A Yes sir.
Q Was Mal Odom married and the head of a family in 1830? A I reckon he was, 'cause that's what they always told me- that's all I know about it.
Q You say you have no idea how old your father was when he died?
A No sir; I never heard anybody say.
Q Nor how old he would be if living now? Think a little while and see if you cannot give us some idea as to how old your father would be if living now. A I don't know; reckon I can't give much of an idea how old he was; I am thirty four; my mother was fifty six years old when she died.
Q How much older was your father than your mother? A I don't know as he was any; I never heard her say.
Q Do you think he was about the same age? A I expect he was about the same or a little older.
Q Did your father have any older brothers and sisters than he?
A I don't know. You see we come to Texas before I was born and I don't know much about his brothers and sisters; I had an affidavit that give an idea how old he was if I knew where it is at.
Q Have you get that affidavit with you now? A No sir, I sent it in with my papers when I sent them up.

(The records of the Commission show that on September 17, 1900, the affidavits of Tobias Edwards, Albert Neal and John Husbands, which were offered for filing in support of the application of this applicant, were returned toher attorny G.W.Goodwin on that date for the reason that on June 13, 1900, the Commission had rendered a decision denying the application of Mrs.Walker and her children, and the full record in the case had been on December 3, 1900, forwarded to the Secretary of the Interior for review.)

Q Where did your father die? A In Limestone County, Texas.
Q Do you know what year that was? A No sir, I don't remember.
Q Is your grandfather living? A He was the last I heard of him, over a year ago.
Q How old a man was he? A I declare I can't tell you; he would be up yonder in eighty.
Q Where was he living when you heard from him last? A Somewhere in the Choctaw Nation last time I heard from him; my uncle wrote to me.
Q Was he a recognized citizen of the Choctaw Nation, that is, has he been recognized by the Choctaw tribal authorities or has he been recognized by the Commission to the Five Civilized Tribes-?
A That's what they told me; Goodwin told me his name was on the books.
Q In what way did you hear from him last? A My uncle John Husbands.
Q Is he an uncle on your mother's side? A Yes sir.
Q Is he a brother of your mother? A Yes sir.
Q Well, you testified that your mother was named Betty Holland-
A Yes, she married a Holland afterwards.
Q If your grandfather, Mal Odom, was about 80 years old now he could not have been married and the head of a family in 1830.
A I don't know just how old he was.
Q Do you know where your grandfather, Mal Odom, was born?
A In Mississippi in Perry County; he was born and raised there.
Q What was the name of his father? A I don't know.
Q What - do you know the name of his mother? A No sir.
Q How much Choctaw blood did he claim to have? A He said that he was--- they told me that he was a full blood; you see I haven't seen him since I was big enough to know.
Q Do you know when he moved to the Choctaw Nation, Indian Territory?
A No sir; I don't know how long he has been here.
Q Do you know whether his father or mother moved to the Indian Territory or not? A No sir.

The records of the Commission examined and the name of Mal Odom not found upon any of the authenticated rolls of the Choctaw Nation in the possession of the Commission.

Q Then you know nothing of your ancestors beyond your father, excepting that the name of his father was Mal Odom? A That's all.
Q You know nothing about your great-grandparents at all? A No sir.
Q I have read and explained to you article fourteen of the treaty of 1830. Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article? That is, by that I mean did any of your ancestors within six months from the time of the ratification of that treaty- february 24, 1831- go before the United States Indian agent in Mississippi and tell him that they wanted to stay in Mississippi and take lands under that article? A I don't know.

Q Do you know of the existence of any evidence of any kind, such as deeds or patents to land, which would tend to show that any of your ancestors complied with article fourteen? A I don't know.
Q Did any of your ancestors own any land in Mississippi or Alabama in the old Choctaw nation? A I reckon not.
As far as you know did any of your Choctaw ancestors ever receive any benefits from the United States Government as Choctaw Indians? A Not as I know of.
Q Have you ever heard it said that your Choctaw ancestors, that Mal Odom, or his father or mother, removed to the Choctaw Nation in the Indian Territory, from the old Choctaw Nation, when the Indians moved-? A I never heard any of them say whether they did or not.
Q Do you know what year your grandfather moved to the Indian Territory and where from? A No, I don't know what year; I never heard from her only just before I started in with my application.
Q Did you ever see your grandfather? A Not since I am large enough to know.
Q You have no personal acquaintance with him? A No sir.
Q All you know about your descent then is that your father, Als Odom, was the son of Mal Odom? A Yes, that's all.

In accordance with the provisions of the fourteenth article the Government directed an agent in Mississippi to register the names of all these Choctaws who wanted to remain in the State and take lands under the article, but the records of the Government show that this agent failed in many cases to take the names of many who went before him and told him that they wanted to stay in Mississippi, take land there and become citizens of the United States, and on this account many lost the lands upon which they had improvements and which they desired reserved for them, they were sold at Public Land Sale. This caused many complaints among the Choctaws and these complaints finally reached Congress and Commissions were appointed one in 1837 and one in 1842 to go into Mississippi and investigate these claims; a large number of these claims were investigated, some allowed and some refused; of the claims allowed, if it was found that the lands had not been sold they were given to them, but if the lands had been taken away and sold and they went before these Commissions and established their claims to these lands, they were given scrip in lieu of the land which they claimed had been sold. Under this scrip they could locate on land in either Mississippi, Alabama, Arkansas or Louisiana.

Q Do you know whether any of your ancestors owned any land in any of these four States? A No sir; never owned any land that I know.
Q Do you know if they received any scrip for land? A No sir.
Q Then you don't know of the existence of any documentary evidence such as deeds or patents to land that would tend to show that any of your ancestors ever received any land from the United States Government as Choctaw Indians? A No sir.
[redacted] Nation
by [redacted]

Q Have you ever been recognized as a citizen of the Choctaw Nation by the Choctaw tribal authorities? A No sir, I reckon not.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know whether it is or not; he said the Odom name was on there.
Q Which one of the Odoms was found there? A He said my grandfather
Q Who said that? A Goodwin.
Q As I just stated to you the records of the Commission and the Choctaw rolls in the possession of the Commission have been examined and the name of Mal Odom is not found as either a Choctaw citizen or as an applicant for enrollment in the Choctaw Nation for identification as a Mississippi Choctaw. A Yes sir.
Q Did you ever make application to the Choctaw tribal authorities for citizenship--A There at Colbert, June 13, 1900.
Q Is that the first appearance of any kind you ever made? A Yes sir.
Q That was before the Commission? A Yes sir.
Q You have never been before the Choctaw tribal authorities?
A I reckon not; that's the only place I have been.
Q Then you have never been before the Choctaw tribal authorities?
A No sir.
Q And that is the first application you ever made to the Commission to the Five Civilized Tribes, is it? A Yes sir.
Q Is there any further statment you desire to make in support of this case? A -
Q You are at liberty to make any statment you are disposed to that would tend to strengthen your case. A I don't know what to say about it.
Q Do you speak or understand the Choctaw language? A No sir; I can talk a little bit.
Q How and where did you acquire that little knowledge that you have?
A I just learned it from hearing them talk.
Q How long have you lived in the Choctaw Nation? A I have lived in the Chickasaw Nation but not in the Choctaw Nation.
Q How long did you live in the Chickasaw Nation? A Thirteen years.
Q You came there from the State of Texas? A Yes sir.
Q Born in the State of Texas, were you? A Yes sir.
Q Have you any brothers and sisters? A No sir, no own brothers and sisters.
Q Have any members of your family ever been before the Commission to be identified? A None only my children.
Q What are the names of those children? A Lena is the oldest girl and Cass is the oldest boy; and the next girl is named Una and the next one is Perna.
Q Then, you know of no other persons that claim Choctaw Indian descent through the same source you do that have been before the Commission? A That's all.
Q Have you any other evidence? A Nothing only the old gentelman named Williamson.
Q Did he know your father? A No sir.
Q Does he know anything about your father's family? A No sir; he got acquainted with them in Texas, but he has known me ever since I was six years old.
Q There is no question as to your being Georgia Walker, but there is about your ancestry and your grandfather- A No, he don't know anything about my father.
Q DO you think he would be of any assistance to you? A Only to identify me.

Q Well, the Commission would hear his testimony.

This applicant has dark brown eyes, black hair, medium dark complexion; the features and appearance of a person of white parentage; claims Choctaw Indian descent from her father, Als Odom, who died when she was not quite one year of age. She knows nothing of her father's ancestry, nor does she know of any act of compliance of any of her ancestors with article fourteen of the treaty of 1830.

(Applicant excused, and James Williamson called as a witness).

James Williamson being called and sworn testified as follows:

Examination by the Commission:

Q What is your name in full? A James Willimmsnn.
Q How old are you? A Seventy four years old.
Q What is your post office address? A Oakland, Chickasaw Nation.
Q How long have you lived there? A I have lived there about five months.
Q Where did you come from to Oakland? A Texas.
Q How long did you live in Texas? A Ever since '44.
Q Where were you born? A In the State of Illinois.
Q And moved from Illinois to the State of Texas? A From there to Missouri and from Missouri to Texas.
Q And from Texas to the Chickasaw Nation, Indian Territory? A Yes sir.
Q Do you make any claim to Indian blood? A No sir, none at all.
Q Are you acquainted with Mrs.Georgia Walker, the applicant in this case? A Yes, sir, I was raised with her.
Q Do you know anything about her ancestors- her father and grandfather? A No sir; only from what she said.
Q Know how old a man her father was when he died? A No sir.
Q You never met her grandfather? A No sir.
Q What was the name of her father? A Odom.
Q What was the given name? A I don't recollect.
Q Do you know her grandfather on her father's side? A No sir.
Q From whom did she claim her Choctaw blood? A From her father.
Q Her mother was a white woman, was she? A Yes sir. Her mother said he was a half bredd, that's all I know.
Q Do you know from the talk of Mrs. Walker whether they ever receive any land in Mississippi or Alabama? A No sir, I know they didn't.
Q You never saw any patent or deed to land to show that they ever received any benefits or land--? A I know they didn't.
Q You don't know whether they ever received any land? A I know they didn't.
Q How do you know they didn't? A 'Cause I was raised with them, and they never told me they did.
Q Have you ever heard it said that her grandfather was living?
A I have heard her mother say so.
Q What was his name? A Odom.
Q The given name? A I don't know.
Q Don't know whether he is living? A He is dead.
Q Know when he died? A No sir.

Q Do you know when his family left Mississippi and came out here?
A No sir, I don't know. I can tell what I know and then I will quit; her mother always called her Choctaw Georgia; she was six years old when they first come here.
Q In all the time you have known them you have never heard that any of the family received any land or benefits? A No sir, they never did.
Q You never have seen any patents or papers that would show they had? A No sir.

(Witness excused, and applicant in chief recalled.)

Q Have you any other witnesses that you want to introduce today?
A No sir, I couldn't bring them in any further than that McAlester.
Q How did they happen to stop off at McAlester? A We come through in a wagon and got water bound and left them there.
Q What are the names of those witnesses you expected to bring before the Commission? A There is one Neal that lived.
Q Is his name Albert Neal? A Yes sir.
Q How long have you known him? A I never knew him at all myself. He knew me.
Q How old a man is he? A I don't know.
Q Does he look to be an old man? A I aint never seen him myself.
Q Then how do you know he knows you? A He says he does.
Q What is the name of the other witnesses you want to bring?
A I don't know any more to give.
Q Then you have no further evidence to offer in your case today?
A No sir.
That's all.

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Henry G. Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on April 10, 1902, and that this is a full, true and correct transcript of his stenographic notes in said cause on said date.

Henry G. Hains

Subscribed and sworn to before me this 11th day of April, 1902.

Clara Mitchell Wood
Notary Public.

Muskogee, Indian Territory, September 17, 1900.

G. W. Goodwin,

Sterrett, Indian Territory.

Dear Sir:

The Commission is in receipt of the certified copy of the marriage license and certificate between W. W. Walker and Miss Georgia Oadam and the affidavits of Tobias Edwards, Albert Neal and John Husbands offered for filing in the matter of the application for identification as Mississippi Choctaws of Georgia Walker et. al.

The marriage license and certificate has been accepted and filed by the Commission and made a part of the records in this case. The other papers offered for filing are returned herewith for the reason that the Commission on June 13th, 1900, fully heard the oral testimony offered by Mrs. Walker in suppert of her application and the application of her children and also accepted the written evidence offered by her at that time. The Commission has since then, carefully considered the oral testimony and other papers submitted in support of thisapplication and on August 3rd, 1900, refdered a judgment refusing the application for identification as Mississippi Choctaws of these applicants. This closes the case as far as the Commission is concerned and no further statement can be accepted for consideration.

The record made by the Commission in this case will be transmitted to the Secretary of the Interior for his consideration

G. W. G. 2--

when the report of the Commission as to the identification of Mississippi Choctaws as provided in the act of Congress of June 28th, 1898, is forwarded to him for approval.

Yours truly,

Acting Chairman.

M. C. R-33

Enc a

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, INDIAN TERRITORY, March 7, 1902.

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In the matter of the application for identification as Mississippi Choctaws of Georgia Walker, et al., M.C.R.33.

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In accordance with the letter of the Commissioner of Indian Affairs of July 27, 1901, remanding the case of this applicant for further hearing, for the purpose of the introduction of additional testimony in support of such application, said case was set for such re-hearing on Friday, March 7, 1902, at nine o'clock a.m.

Notice of the hearing of such additional testimony was furnished the principal applicant herein, her attorneys and the attorneys for the Choctaw and Chickasaw Nations on January 27, 1902.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on March 7, 1902 at nine o'clock a.m. this case being set for re-hearing that day and date, and said case being called, there was no appearance upon the part of the principal applicant herein, her attorneys, nor the attorneys for the Choctaw and Chickasaw Nations.

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Clara Mitchell Wood, being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes, she reported in full all proceedings had in the above entitled cause on the 7th day of March, 1902, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 13th day of March 1902.

C. R. Breckinridge.

Commissioner.

REFER TO M. O. R. 33

Georgia Walker et al

Muskogee, Indian Territory, January 27, 1902.

The Commissioner

of Indian Affairs.

Sir:

In the matter of the application of Georgia Walker et al., for identification as Mississippi Choctaws, record of which was returned with letter of your office dated July 27, 1901, with instructions for further hearing, the Commission to the Five Civilized Tribes has notified the applicant in this case and the attorneys for the Choctaw Nation that there will be heard additional testimony of applicant or witnesses in person at the office of the Commission at Muskogee, Indian Territory, on Friday, March 7, 1902, at nine o'clock A. M.

Respectfully,

Acting Chairman.

M.C. 33

Muskogee, Indian Territory, January 27, 1902.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Friday, March 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in the case of Georgia Walker et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M.C. 33

Muskogee, Indian Territory, January 27, 1902.

G. W. Goodwin,

Sterrett, Indian Territory.

Dear Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Friday, March 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in the case of Georgia Walker et al., applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M.C. 33

Acting Chairman.

Muskogee, Indian Territory, January 27, 1902.

Georgia Walker,

Cliff, Indian Territory.

Dear Madam:

In the matter of your application for the identification of yourself and four minor children as Mississippi Choctaws, you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Friday, March 7, 1902, at nine o'clock A. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M.D. 33

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for identification as Mississippi Choctaws of Georgia Walker et al., M.C.R. 33.

Georgia Walker, the principal applicant herein, applies for the identification of herself and four minor children as Mississippi Choctaws claiming descent from Mal Odem, a full blood Mississippi Choctaw Indian, who was the father of Als or Alce Odem or Odum, who, it is claimed, was possessed of one-half Choctaw blood, and married Bettie Holland or Betty Husband, a white woman, and who were the parents of this applicant.

The proof submitted by the applicant is hersworn petition and oral testimony unsupported by corroborated evidence.

The applicant testifies orally that she was born in the state of Texas and resided in that state until her removal to the Indian Territory, where she has resided for eleven years; that she is the daughter of Als Odum who is possessed of one-half Choctaw blood, and his wife Bettie Holland a full blood Mississippi Choctaw Indian, who, she states in her said petition, resided in the state of Mississippi.

There is no proof, oral or documentary, before the Commission tending to show that the ancestor through whom this applicant claims the right to identification as a Mississippi Choctaw, was a recognized member of the Choctaw tribe of Indians and resided in the old Choctaw Nation in Mississippi and Alabama at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, September 27th, 1830. Nor is there any proof before the Commission, either oral or documentary, tending to show any act of compliance on the part of ancestor of applicant with any of the provisions of article fourteen of the treaty of 1830.

M.C. 33

Muskogee, Indian Territory, March 6, 1902.

Mrs. Georgia Walker,

Woodville, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your letter of the second instant, inclosing certificate of the physician as to your inability to appear before the Commission on March 7, 1902, the date set for the rehearing of your application for identification as a Mississippi Choctaw, and asking for a continuance of your case.

In reply to your letter you are advised that no application for a continuance can be considered in your case except on motion duly made in writing and sworn to, and affidavits as to the cause of your inability to appear before the Commission at the time fixed for the rehearing of your case and the materiality of the evidence you expect to introduce in support of your application.

Yours truly,

Commissioner in Charge.

Miss. Choc. 33

Muskogee, Indian Territory, March 13, 1902.

Georgia Walker,

Woodville, Indian Territory,

Dear Madam:

Receipt is hereby acknowledged of your petition for a continuance of your case, and the affidavit of H. H. Hombeck as to your inability to appear before the Commission on March 7, 1902, the date fixed for the rehearing of your application for identification as a Mississippi Choctaw.

You are advised that a continuance has been granted in your case, and that at 9 o'clock A.M. April 10, 1902, there will be heard the testimony of such witnesses as may present themselves in person at the office of the Commission at Muskogee, Indian Territory, in support of your application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

Miss. Choc. 33

Muskogee, Indian Territory, March 13, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

In the matter of the application for identification as Mississippi Choctaws of Georgial Walker, et al., you are hereby advised that a continuance has been granted in the above named case, and that on April 10, 1902, at nine o'clock A. M. the Commission will hear the testimony of such witnesses as may present themselves in person in support of the said application, at the office of the Commission at Muskogee, Indian Territory.

Yours truly,

Registered.

Commissioner in Charge.

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Miss.Choctaw R 33.

Muskogee, Indian Territory, September 24,1902

Georgia Walker,

Cliff, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 20, in which you say you have the letter of the Commission notifying you of its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws. You say you can procure any proof that is necessary, and wish to have the papers in your case returned to you in order that you may appeal to a higher court.

In reply to your letter you are advised that on July 23, 1902, the Commission rendered its decision denying your application, and you were duly advised of this action, and of the forwarding of the record in the case to the Secretary of the Interior. The Secretary of the Interior having on August 23, 1902, affirmed the decision of the Commission, the Commission considers the case closed. The papers in your case cannot be returned to you for the reason that they are in the hands of the Secretary of the Interior.

Respectfully,

Acting Chairman.

REFER TO M. C. R. 33

Georgia Walker

exe

Mal Odum

Alice Odum

Mr Odum or Odum f/2 Dead
married

Rettie Holland Dead
or
Retty Husband

mbr 33

Georgia Odum 33
married
W W
or
Wm Walker

mbr 33

Lena Walker 10
" Earl Walker 8 Cars, Ry
" Una Walker 5
" Pirna Walker 2

Georgia Walker et al

vs.

Choctaw Nation

Miss. Choc. Case No. R #33

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd 1900

R. # 33.

Evidence:

"Has" Walker.

Judgment:

"Cass" Walker

R. MANGELSDORF,

MISSISSIPPI CHOCTAW

[redacted] USDD

Georgia Walker et al

Judgment rendered

4/6/1902 P.O. Woodville, I.T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
AUG 3 1900

ACTING CHAIRMAN.

61036	Indian Office Incl. No.	1900

4/10/02 P.O. Woodville Texas

DECISION PREPARED JUN 13 1902

Choc MCR 34 James M. Peeples

refer to MCR 20

MCR 34

Jennie M. Pepper et al

REFUSED.

DECISION RENDERED. MAR 3 - 1902

NOTICE OF DECISION MAILED APPLICANT.
MAR 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS. MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
MAR 3 1902

RECORD FORWARDED DEPARTMENT.
MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
APR 30 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
MAY 9 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
MAY 9 1902

REFER TO M. C. R. 90

MC-R24

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

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In the matter of the application of James M. Peoples for the enrollment of himself as a Mississippi Choctaw, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - James M. Peoples.
Q - What is your age? A - 25.
Q - What is your post office address? A - Cliff, I.T.
Q - How long have you lived there? A - About 5 years.
Q - Where did you live before you moved to Cliff? A - I lived in the Choctaw Nation by South Canadian.
Q - How long did you live there? A - About 6 years.
Q - Where did you live before going to the Choctaw Nation?
A - I lived in Arkansas.
Q - Were you born in Arkansas? A - Yes, sir.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - Alexander Peoples.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A - No, sir, he is a white man.
Q - What is the name of your mother? A - Eliza A. Peoples.
Q - What was her maiden name? A - Eliza A. Smith.
Q - Is she living? A - Yes, sir.
Q - Is she a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood does she claim to have?
A - 1/4.
Q - Has her name ever been on the Tribal rolls of the Choctaw Nation? A - Not that I know of.
Q - Has she ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did she ever apply to the Choctaw authorities for enrollment as a Choctaw? A - No, sir.
Q - What proportion of Choctaw Indian blood do you claim to have? A - 1/8.
Q - Has your name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - Is this your first application? A - Yes, sir.
Q - You claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - 1830 and 1866, and all that Mississippi Choctaws are allowed to come in under.
Q - You don't claim under any special article of any particular treaty? A - No, sir, no special one.
Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.
Q - Did any of your ancestors ever take advantage of this article? A - No, sir.
Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of this article? A - I never have and my folks never have that I know of.
Q - Are you married? A - Yes, sir.
Q - Are you claiming any rights for your wife? A - Yes, sir.
Q - What do you claim her to be? A - An intermarried Mississippi Choctaw.
Q - Did you ever hear of an intermarried Mississippi Choctaw before? A - I never heard of one getting in.
Q - Never heard of one getting in? A - No, sir.

Q - What is the name of your wife? A - Lennie Peoples.
Q - Under what law did you marry her? A - Under United States law.
Q - Where did you marry her? A - I married at Cliff.
Q - When? Have you got your marriage license and certificate?
A - Yes, sir, my license. (Offered in evidence and placed on file.)
Q - What is the name of your wife's father? A - Farmer, I don't know his given name.
Q - What is the name of your wife's mother? A - I don't know that either
Q - Did your wife ever claim to be an Indian? A - No, sir.
Q - Have you got any children? A - No, sir.
Q - Is there any additional statement you would like to make in regard to your case at this time? A - No, sir, I reckon not.
Q - The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw or your wife as an intermarried Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission in writing in extenso. Are there any additional papers that you would like to file for the benefit of the Secretary of the Interior? A - Not now, I will file them shortly after.

This testimony and the decision of the Commission and such papers as you may be pleased to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his examination and consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

You understand our decision is against you.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the day of June, 1900.

Commissioner.

STATEMENT OF THE DECISION
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as a Mississippi Choctaw of James H. Peoples and of his wife as an intermarried Mississippi Choctaw.

The applicant, James H. Peoples, appeared before the Commission at Colbert, Indian Territory, June 14th, 1900, and from his oral testimony given at that time in behalf of his claim for identification as a Mississippi Choctaw and of his wife as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress Approved June 28th, 1898 , (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900/ contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any report of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of such like settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or encumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as a Mississippi Choctaw of James M. Peoples and on behalf of his wife, Linnie Peoples as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept 4th, 1900.

Muskogee, Indian Territory, October 3, 1901.

Mr. James M. Peoples,
Cliff,
Indian Territory.

Dear Sir:-

In the matter of the application for identification as a Mississippi Choctaw of yourself, and for the identification of your wife as an inter-married Mississippi Choctaw you are informed that under date of July 27, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded to the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the Office of the Commission to the Five Civilized Tribes, at Atoka, Indian Territory, on Thursday, November 14, 1901, at nine o'clock A. M., there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C.R.34.

M. C. R. 34.

COPY.

Muskogee, Indian Territory, March 3, 1902.

James M. Peoples,

Gliff, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Eliza A. Peoples, et al., embracing the following applications for identification as Mississippi Choctaws:

Eliza A. Peoples, et al.,	M	C	R	20
John L. Peoples, et al.,	M	C	R	21
John M. Blakeley, et al.,	M	C	R	22
Edward M. Blakeley,	M	C	R	24
James M. Peoples, et al.,	M	C	R	34
Thrusa Blakeley, et al.,	M	C	R	458
Lucy P. Jackson, et al.,	M	C	R	3934

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

J. M. P. et. al.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Eliza A. Peoples, John L. Peoples, Audie Monroe Peoples, William Annie Peoples, Edward Peoples, John M. Blakeley, Myrtle May Blakeley, Edward M. Blakeley, James M. Peoples, Thomas Blakeley, William Clarence Blakeley, Fred Velney Blakeley, Lucy P. Jackson, Jennie Jackson, Nora Jackson, Maude Jackson, Eva Jackson, Joseph Jackson, Gus Jackson, Fleming Jackson, and Stella Jackson, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by Eliza A. Peoples for the identification of her husband, A. C. Peoples, and by John M. Blakeley for the identification of his wife, Clara V. Blakeley, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED James Bishop McCurdy
ACTING CHAIRMAN
Commissioner in charge.

Registered.

M.C.R. 34

Muskogee, Indian Territory, May 9, 1902.

James M. Peeples,
Cliff, Indian Territory.

Dear Sir:-

You are hereby advised that on the 30th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Eliza A. Peeples, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

R. # 34

Evidence:
Lennie Peeples.

Judgmt:
Linnie Peeples.

MANGELSDORF.

James M. Peeples et al
vs.
Choctaw Nation
Miss. Choc Case No. R# 34

Original testimony and all papers filed in this case forwarded Secretary of Interior.
Dec 3rd 1900

Lena Peoples. 20

As an intermarried Mississippi Choctaw

REFUSED.

JUN 14 1900

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Father; — Farmer. dead

Mother: — Farmer dead

REFUSED.

JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name James M. Peeples, (25) Cliff, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? .....

Married under what law? (N.S)

License filed this day, ...

Wife's name, Lemma Peeples. (yes)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes.

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Alexander Peeples, (father) ✓

Eliza A. Peeples, (mother) ✓

FOR INDENTIFICATION
A MISSISSIPPI CHOCTAW.

REFUSED.

James M. [illegible]

Judgment [illegible]

DEPARTMENT OF [illegible]
COMMISSION TO THE [illegible]
JUDGMENT REND[illegible]
MAILED A[illegible]

SEP 5 [illegible]

[illegible] Chairman

REFER TO M. C. R. [illegible]

10

61036	Indian [illegible] Incl. No. 5	1900

mcR 35 William C. Self

See mcR 226

mcR 35

CHOCTAW

Willow C. Self et al

REFUSED.

DECISION RENDERED.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP -5 1900

ACTING CHAIRMAN.

RECORD FORWARDED DEPARTMENT.

DEC -3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 23 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

FEB -3 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB -4 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

FEB -4 1902

REFER TO M. C. R. 226.
Quiford H. Self et al.

IDENTIFICATION AS
MISSISSIPPI CHOCTAW

Ivey et al

MC-R3V

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

-----o-----

In the matter of the application of William C. Self for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - William C. Self.
Q - How old are you? A - 55.
Q - What is your post office address? A - Graham, Indian Ter.
Q - How long have you lived at Graham? A - 6 or 8 months.
Q - Where did you live before you moved to Graham? A - I lived at Ark.
Q - How long did you live in the Indian Territory? A - About 3 years.
Q - Where did you live before that? A - In Texas.
Q - How long had you lived in Texas? A - Ever since 1848.
Q - Did you ever live anywhere else? A - I was born in Alabama.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - Joe Self.
Q - Is he living? A - No, sir.
Q - Was he a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood did he claim to have?
A - 1/4.
Q - Was his name ever on the Tribal Rolls of the Choctaw Nation? A - No, sir.
Q - Was he ever recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - What is the name of your mother? A - Elizabeth Hepson was her maiden name?
Q - Is she living? A - No, sir.
Q - She was white? A - Yes, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - 1/8.
Q - Has your name ever been on the Choctaw Tribal rolls?
A - No, sir.
Q - Have younever been recognized by the Tribal authorities of the Choctaw Nation as a Choctaw? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No,sir.
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - 1830, and on up.
Q - You claim under all the treaties? A - Yes, sir.
Q - You don't claim under any particular provision of any one of t e Treaties? A No, sir.
Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A - Not that I know of.
Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the Treaty of 1830?
A - Not that I know of.
Q - You never did? A - No, sir, I never did.
Q - And as to your an cestors you never heard that they did? A - No, sir.
Q - Are you married? A - Yes, sir.
Q - Are you claiming any rights for your wife? A - Yes,sir.
Q - What do you claim her to be? A - An intermarried Mississippi Choctaw.
Q - What is her name? A - Sarah Self.

William C. Self - 2.

Q - Under what law did you marry her? A - Under United States law.

Q - Where? A - In Texas.

Q - When? A - 1865.

Q - Have you got your marriage license and certificate with you?

A - No, sir.

Q - What is the name of your wife's father? A - Greenville Norris.

Q - Is he living? A - No, sir.

Q - Was he a white man? A - Yes, sir.

Q - What was the name of your wife's mother? A - Martha Norris

Q - Is she living? A - No, sir.

Q - She was a white woman? A - Yes, sir.

Q - Have you any children under 21 years of age and unmarried that you would like to enroll? A - Yes, sir.

Q - Do these children live with you? A - Yes, sir.

Q - Their claim has the same foundation as your own? A - Yes.

Q - Is their post office address the same as yours? A - Yes.

Q - Please give their names and ages. A - Emily Self is 19, Fannie is 14, and that is all under age.

Q - Is there any additional statement you would like to make at this time in regard to your case? A - No, sir, I believe not.

Q - Have you got any papers with you you want to file? A - No sir, not at present.

The Commission is unable from the evidence offered in this case to identify you or your children as Mississippi Choctaws, or your wife as an intermarried Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission in writing through the mails.

In the event that you desire to offer any additional evidence in the form of statements, affidavits, or other proper papers, you will be permitted to do so, and the testimony in this case and such papers as you may desire to leave with the Commission will be forwarded to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

------o------

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 27 day of June, 1900.

Commissioner.

MEMORANDA.

(Date) June 14, 1900.

Name William C. Self (55) Graham, I.T.

Choctaw? Miss County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes, (1/8) Mother's citizenship (N.S.)

Intermarried citizen?

Married under what law? (N.S.)

License filed this day.

Wife's name, Sarah Self.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship (N.S)

Intermarried citizen? Yes.

Married under what law? Greenville Norris, (father)

License filed this day Martha Norris, (mother)

Names of children:

	County	Year	Page	No.
19. Emily	County	Year	Page	No.
14. Fanthie	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

Joe Self, (father) (1/4) Dead.

Elizabeth Self, (mother)

Sarah Self — 50

As an intermarried Mississippi Choctaw

FOR IDENTIFICATION AS
A MISS[illegible] CHOCTAW.

REFUSED.

[illegible] 1900

THE SECRETARY OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William C. Self for identification of himself and two minor children as Mississippi Choctaws and of his wife as an intermarried Mississippi Choctaw.

The applicant, William C. Self, appeared before the Commission at Colbert, Indian Territory, June 14th, 1900 and from his oral testimony given at that time in behalf of his claim for identification of himself and two minor children as Mississippi Choctaws and of his wife as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of William C. Self and his two minor children, Emily and Fannie Self, and of his wife, Sarah Self as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 4th, 1900.

COPY.

Muscogee, Indian Territory,
September 6th, 1900.

William C. Self,
Graham, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children Emily and Fannie Self for identification as Mississippi Choctaws, and the application made by you on behalf of your wife as an intermarried Mississippi Choctaw, before the Commission at Colbert, Indian Territory, June 14th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,

(SIGNED). Tams Bixby.
Acting Chairman.

M. C. D.-35.
Enc.
Registered mail.

William C Self et al

vs.

Choctaw Nation

Miss Choc. Case No. R 35

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd 1900

COPY.

Muskogee, Indian Territory, December 6, 1901.

J. M. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 21, 1901, addressed to the Secretary of the Interior and by him referred to this Commission for appropriate action.

In your letter you state that Isaac W. Head and W. C. Self et al., in the month of June, 1900, made application to the Commission to the Five Civilized Tribes for identification as Mississippi Choctaws, and since appearing before the Commission they have discovered some material evidence both in Mississippi and the Indian Territory that they wish to offer in support of their claims. They wish a date fixed in Mississippi and then in Indian Territory as well for the purpose of hearing the oral statements of witnesses.

In reply to your letter you are advised that under date of November 18, 1901, you were fully advised as to the status of the case of Isaac W. Head. The original records in the case of W. C. Self et al. have been forwarded to the Secretary of the In-

terior and are now at the Department. The Commission has therefore no jurisdiction to fix a date for the rehearing of this case as requested by you.

Yours truly,

(SIGNED). T. B. Needles.

M.C.-35

Commissioner in Charge.

C O P Y.

Land

61036--1900.

January 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to transmit, herewith, for the consideration of the Department the record including the judgment of the Commission to the Five Civilized Tribes, in thematter of the application of William C. Self, for the enrollment of himself and minor children Emily and Fannie Self as Mississippi Choctaws, and of his wife, Sarah Self as an intermarried Mississippi Choctaw, No. 35.

The applicant states in his testimony before the Commission to the Five Civilized Tribes June 14, 1900, that he is 55 years old, was born in Alabama and is now living in the Indian Territory at Graham; that his father's name was Joe Self, a quarter blood Choctaw; that neither he nor his father were ever enrolled nor recognized as Choctaws by the tribal authorities nor by the Dawes Commission; that he claims under the treaty of 1830, but under no particular article; that neither he nor any of his ancestors ever availed themselves of the provisions of the 14th article of the treaty of 1830; that the foundation for the claim of his children is the same as his. There is no other testimony filed with the

papers in this case.

The Commission to the Five Civilized Tribes refused the application for identification as Mississippi Choctaws of William C. Self and his two minor children Emily and Fannie Self, and his wife Sarah Self as Mississippi Choctaws September 4, 1900, for the reason that none of them were ever enrolled or recognized by the Choctaw authorities, the Commission to the Five Civilized Tribes, or by the United States Courts in Indian Territory; that it is unable to identify them as Mississippi Choctaws under the provisions of the law of June 28, 1898 under which they are acting.

The office after an examination of the testimony submitted in this case and the reasons assigned by the Dawes Commission for refusing the application is of the opinion that the evidence is not of such character in force and clearness as to enable one to connect the applicants with those Choctaws who elected to take advantage of the provisions of the 14th article of the treaty of 1830, and therefore recommends that the judgment of the Commission be approved, and proper notice of such action be given the claimants.

Very respectfully,
Your obedient servant,

Commissioner.

A.B.(E.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 1 1902

ACTING CHAIRMAN.

C O P Y.

J.P.

5265

F.

DEPARTMENT OF THE INTERIOR.
Washington.

I.T.D.408-1902.

January 23, 1902.

L. R. S.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

On January 20, 1902, the Commissioner of Indian Affairs transmitted the record in the case of William C. Self for enrollment of himself and children as Mississippi Choctaws and his wife as an intermarried Mississippi Choctaw, and recommended that your decision rejecting the application be concurred in.

The jurisdiction of the Commission as to Mississippi Choctaws is contained in section 21 of the act of June 28, 1898 (30 Stat., 495), and the act of May 31, 1900 (31 Stat., 221).

It appears that none of the claimants has been enrolled or admitted to citizenship in the Choctaw Nation. Self states that neither he nor any of his ancestors ever took advantage of the fourteenth article of the treaty of 1830.

You found that the evidence in this case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw

lands under article 14 of the treaty of 1830.

The Department agrees with your conclusions and your decision is affirmed. A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 3, 1902.

William C. Self,
Graham, Indian Territory.

Mississippi Choctaw
No. R 35.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of your application for the identification of yourself and your two minor children, Emily and Fannie Self, as Mississippi Choctaws and for the identification of your wife, Sarah Self, as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he states that he has affirmed the decision of the Commission in your case and refused your application for the identification of yourself and your minor children as Mississippi Choctaws and further affirmed the action of the Commission as to your wife, Sarah Self, as such rights as she might have, being entirely dependent upon your success, she would not obtain any rights under said application.

Yours truly,

SIGNED Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 4, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of William C. Self for the identification of himself and his two minor children, Emily and Fannie Self, as Mississippi Choctaws and for the identification of his wife, Sarah Self, as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he states that he has affirmed the decision of the Commission in this case, and refused the application made by William C. Self for the identification of himself and his minor children as Mississippi Choctaws and further affirmed the action of the Commission as to his wife, Sarah Self, as such rights as she might have, being entirely dependent upon his success, she would not obtain any rights under said application.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

M C R 35

COPY.

Muskogee, Indian Territory, February 4, 1902.

E. E. Arnold,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of William C. Self for the identification of himself and his two minor children , Emily and Fannie Self, as Mississippi Choctaws and for the identification of his wife, Sarah Self, as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he states that he has affirmed the decision of the Commission in this case, and refused the application made by William C. Self for the identification of himself and his minor children as Mississippi Choctaws and further affirmed the action of the Commission as to his wife, Sarah Self, as such rights as she might have, being entirely dependent upon his success, she would not obtain any rights under said application.

Yours truly,

M C R 35

SIGNED Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 4, 1902.

L. P. Hudson,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of William C. Self for the identification of himself and his two minor children, Emily and Fannie Self, as Mississippi Choctaws and for the identification of his wife, Sarah Self, as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he states that he has affirmed the decision of the Commission in this case and refused the application made by William C. Self for the identification of himself and his minor children as Mississippi Choctaws and further affirmed the action of the Commission as to his wife, Sarah Self, as such rights as she might have, being entirely dependent upon the success of William C. Self, she would not obtain any rights under said application.

Yours truly,

M C R 35

(SIGNED) Tams Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 4, 1902.

Chester Hewe,

Attorney at Law,

623 F. Street, N. W.,

Washington, D. C.

Dear Sir:

On December 8, 1900 , the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of William C. Self for the identification of himself and his two minor children, Emily and Fannie Self, as Mississippi Choctaws and for the identification of his wife, Sarah Self, as an intermarried Mississippi Choctaw, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1902, in which he states that he has affirmed the decision of the Commission in this case and refused the application made by William C. Self for the identification of himself and his minor children as Mississippi Choctaws and further affirmed the action of the Commission as to his wife, Sarah Self, as such rights as she might have, being entirely dependent upon his success, she would not obtain any rights under said application.

Yours truly,

M C R 35

(SIGNED) Tams Bixby.

Acting Chairman.

Muskogee, Indian Territory, May 12, 1900.

Mr. Chester Howe,

623 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits in the case of William C. Self et al. vs. the Choctaw Nation, forwarded to the Honorable Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission. The petitioner in this cause is William C. Self, on behalf of himself, his children and grandchildren.

The petition and affidavits are herewith returned to you for the reason that there is no record of William C. Self or any of the interested parties in said cause ever having appeared before the Commission in person as applicants for identification as Mississippi Choctaws. The Commission cannot receive applications for enrollment except upon personal appearance of the applicant, when the party, under oath, may give sufficient evidence on which the Commission can render a decision, and also for forwarding to the Secretary of the Interior, when the final rolls of the Choctaw Nation are sent up to him for review. The petitioners may now appear at this office if they desire. The Commission, however, will be at Atoka, in the Choctaw Nation, from Monday June 4th, to Friday June [illegible] inclusive, and

O.H. 2.

at Colbert, in the Chickasaw Nation, from Monday June 8th, to Saturday June 16th, inclusive, for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations, or applications for identification as Mississippi Choctaws. At such personal appearance the petitioners will be allowed to file any additional written affidavits or testimony they may desire in furtherance of their claims. You will please so notify the parties interested in this cause.

Yours truly,

Acting Chairman.

2-12

Muskogee Indian Territory, October 3, 1900.

Hudson & Arnold,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 1st instant, enclosing written requests of Amanda Tyra and Catherine J. Norman to have the records in the matter of their applications for enrollment as citizens by blood of the Choctaw Nation, forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the other papers in these cases and the records made will be forwarded to the Secretary of the Interior for his consideration when the final rolls of citizens of the Choctaw Nation are sent to him for approval.

Also enclosing written requests of William G. Self and Berge Duke to have the records in the matter of their applications for identification as Mississippi Choctaws forwarded to the Secretary of the Interior for his consideration.

The same have been filed with the papers in these cases and the records will be forwarded to the Secretary of the Interior together with the report of the Commission on the identification of Mississippi Choctaws as provided in the act of June 28th, 1898.

Yours truly,

Acting Chairman.

7-R-538
7-R-539
M. C. R- 35
M. C. R-615

Muskogee, Indian Territory, October 8, 1900.

Hudson & Arnold,

Attorneys at Law,

Atoka, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 4th instant enclosing papers offered for filing in the cases of James M. Jones et. al and C. Bell et. al, applicants for identification as Mississippi Choctaws and the same are returned to you herewith for the reason that the Commission has already rendered decisions in these cases, copies of the same having been mailed applicants on September 1st and 5th respectively and therefore the records in these cases so far as the Commission is concerned, are closed.

Also enclosing papers offered for filing in the case of Mary L. Merrifield et. al, applicants for identification as Mississippi Choctaws and the same have been duly filed with the records of the Commission in this case.

Yours truly,

Acting Chairman.

Enc cd

M. C. R- 38
M. C. R- 12
M. C. R-241

Choc mcR 36 William C. Dowell

See mcR 353, 1098

mcR 36

[illegible] CHOCTAW

William C. Dowell et al.

REFUSED

DECISION RENDERED. MAR [illegible] 1902

NOTICE OF DECISION MAILED APPLICANT.
MAR 3 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.
MAR 3 1902

NOTICE OF [illegible] MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
MAR [illegible] 1902

RECORD FORWARDED DEPARTMENT.
MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
OCT 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.
NOV [illegible] 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
NOV [illegible] 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. NOV [illegible] 1902

REFER TO M. C. R. 253, 1098

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application of William C. Dowell, et al., for identification as Mississippi Choctaws, consolidating the applications of

William C. Dowell, et al.,	M.C.R. 36
Riley Ransom Dowell, et al.,	M.C.R. 353
Cora Gatewood, et al.,	M.C.R. 1098

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

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Original application of William C. Dowell, et al., before the Dawes Commission for identification as Mississippi Choctaws,	1
Written petition of W. C. Dowell,	3
Affidavit of Chas. Smith,	4
Affidavit of Willis Jackson,	5
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Decision of the Commission denying the application William C. Dowell, et al., for identification as Mississippi Choctaws,	7
Copy of letter of the Commission transmitting decision to William C. Dowell,	9
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Entry of appearance by Chester Howe, attorney for applicants,	11
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Original application of Cora Gatewood, et al., before the Dawes Commission for identification as Mississippi Choctaws, 20

Affidavit of Willis Jackson, 22

Affidavit of John Lewis, 22-A

Copy of letter of the Commissioner of Indian Affairs transmitting the application of W. C. Dowell, et al., to the Commission for further hearing, 23

Copy of letter of the Commission to the Commissioner of Indian Affairs notifying him of the rehearing of the within applications, 24

Copy of letter of the Commission to Messrs. Mansfield McMurray & Cornish, attorneys of the Choctaw Nation, of like import, 25

Copy of letter of the Commission to Chester Dawes, one of the attorneys for the applicants, of like import, 26

Copy of letter of the Commission to William C. Dowell, one of the applicants herein, of like import, 27

Copy of letter of the Commission to Riley R. Dowell, one of the applicants herein, of like import, 28

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Final decision of the Commission in the consolidated application of William C. Dowell, et al., for identification as Mississippi Choctaws, refusing said application, 39

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 14, 1906.

In the matter of the application of William C. Dowell for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - William C. Dowell.
Q - What is your age? A - 47.
Q - What is your post office address? A - Cliff, I.T.
Q - How long have you lived in Cliff? A - 7 months.
Q - Where did you come from to Cliff? A - Durant.
Q - How long did you live in Durant? A - About 10 years.
Q - Where did you live before that? A - North Carolina.
Q - Were you born in North Carolina? A - Yes, sir.
Q - Did you ever live in Mississippi? A - No, sir, I never lived in Mississippi.
Q - What is the name of your father? A - Jim Dowell.
Q - Is he living? A - No, sir, he is dead.
Q - Was he a Choctaw Indian? A - No, sir, he was a white man.
Q - What was the name of your mother? A - Vinny Hudson.
Q - Is she living? A - No, sir, she is dead.
Q - Was she a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood did she claim to have?
Q - She claimed to be 1/8.
Q - Was her name ever on the Choctaw Rolls? A - That is my understand, that it was on the Mississippi rolls.
Q - How did you get that understanding? A - She told me she was herself and then I had the record searched to see.
Q - Did you see her name on the record? A - No, sir, I never saw it myself, I was told it was there.
Q - What proportion of Choctaw blood do you claim to have?
A - That would make me about 1/4 I think.
Q - What did you say she was? A - 1/2.
Q - Has your name ever been on the Choctaw Tribal roller?
A - No, sir.
Q - Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - This is the first time you have ever applied? A - Yes, sir.
Q - You claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - I claim under all the treaties from the first one that was made between the Choctaws and the United States on up; I never read one of the treaties.
Q - You don't base your claim then on the provisions of any one article of any particular treaty? A - No, sir, I don't know anything about the treaties, I never read them.
Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.
Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir, not that I know of.
Q - Are you married? A - Yes, sir.
Q - Are you claiming for your wife? A - No, sir.
Q - Have you got any children? A - Yes, sir.
Q - Under 18? A - Yes, sir.
Q - Do you claim they are Mississippi Choctaws? A - Yes, sir.
Q - Their claim has the same foundation as yours? A - Yes, sir, but they haven't got as much Choctaw blood as I have.
Q - What is the name of your wife? A - Bobbie Harris Dowell.

[illegible] - [illegible]

Q - [illegible] A - Yes, sir.

Q - [illegible] A - Under United States law.

Q - Have children living at home with you? A - Yes, sir.

Q - Are their residence and post office address [illegible] the same as yours? A - Yes, sir.

Q - What are their names and ages? A - Beulah D. is 16, [illegible] is 14, and Edward is 4.

Q - Is there any additional statement you would like to make in support of your case at this time? A - No, sir.

Q - Have you any papers you would like to file? A - Yes, sir.

(Transcript of W. T. Powell filed).

The Commission is unable from the evidence offered this date to identify you or your children as Mississippi Choctaws. You will be furnished with a copy of the decision of the Commission in writing, denying your identity as Mississippi Choctaws.

The testimony in this case and any papers which you may desire to file with this Commission later on will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

Irene C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Irene C. Jones

Sworn to and subscribed before me this the 27 day of June, 1909.

[illegible]

Commissioner.

[illegible] OF THE INTERIOR
[illegible] OF THE FIVE CIVILIZED TRIBES.

In the matter of the application of William C. Dowell for identification of himself and three other children as Mississippi Choctaws.

[illegible]

The applicant, William C. Dowell, appeared before the [illegible] Indian Territory, June 14th, 190[illegible], and from [illegible] testimony given at that time on behalf of his own claim for [illegible] as a Mississippi Choctaw and a claim that he makes for [illegible]

It appears from the evidence in this case that the applicants have never been [illegible] of the Mississippi Choctaws, nor have sought to [illegible] as such under the legislation [illegible] the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw Nation under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and [illegible], is found in Section Twenty one of the act of [illegible] approved June 28th, 1898, (Curtis Bill) and is as follows, to wit:

"[illegible] to determine the identity of persons [illegible] claiming under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to [illegible] witnesses, and [illegible] the authority of the [illegible]

"The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its records of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes, shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or encumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be void and null."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the affidavit evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to establish the relationship to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of William G. Dowell and his three minor children, Julia, Willie and Edward Dowell, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, September 7th, 1900.

MCR 36

William C. Dowell
Hab

Consolidated Cases

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for identification as Mississippi Choctaws of William C. Dowell and his minor children, heard at Colbert, Indian Territory, June 14, 1900, M.C.R.36.

In the matter of the application for identification as Mississippi Choctaws of Riley Ransom Dowell and his minor children, heard at Colbert, Indian Territory, June 19, 1900, M.C.R.353.

In the matter of the application for identification as Mississippi Choctaws of Cora Gatewood and her minor children, heard at Atoka, Indian Territory, December 10, 1900, M.C.R.1098.

The applicants in these several cases claim Indian descent from Vicey or Vici Redman or Redmond who was possessed of one half Choctaw Indian blood, and was the wife of Jim Dowell a white man. Vicey or Vici Dowell, nee Redman or Redmond, was the mother of William C. Dowell and Riley Ransom Dowell who, with their children and grandchildren, are prosecuting these claims.

The following descendants of Vicey or Vici Dowell, nee Redman or Redmond, appear of record as applicants for identification as Mississippi Choctaws:

William C. Dowell, his children and grandchildren.	(Annie Gatewood, nee Dowell. ((Cora Gatewood, nee Dowell, (and her children (Wade Gatewood, (Lemmie Gatewood. ((Beulah D. Dowell,. (Willie Dowell, (Edmund Dowell.
Riley Ransom Dowell and his children.	(Riley Erwin Dowell, (Mable E. Dowell.

Annie Gatewood, whom the records show is a descendant of the common ancestor Vicey or Vici Dowell, nee Redman or Redmond, has failed to enter appearance or in any manner prosecute before this Commission any rights she may have as a Mississippi Choctaw.

(2)

William C. Dowell, the principal applicant, in his sworn petition shows that he is the son of "Jim Dowell and Vicey Dowell whose maiden name was Redmond, a Mississippi Choctaw Indian of one-fourth blood, and were legally married according to the laws of Mississippi."

Applicant further shows "that he is the son of the above named Vicey Dowell, nee redmond, a Mississippi Choctaw Indian of one-fourth Indian blood, whose name appears in volume _____, page 432 of the Choctaw rolls; that said Vicey Dowell is now deceased; that applicants is direct descendants of the said Vicey Dowell."

On oral examination the applicants, William C. Dowell and Riley Ransom Dowell, testify that they were born in North Carolina and lived in the state of Texas until their removal to the Indian Territory where they have resided for six or seven months; that they never lived in Mississippi; that their mother was born in Mississippi and that her name appears upon the Mississippi Choctaw Indian rolls.

It is supposed that the record of Choctaw rolls cited by the applicant William C. Dowell in his sworn petition is the record in the case of the Choctaw Nation vs. the United States.

By reference to page 432 of Volume I of said records the name of one Vicey a step-daughter of Lewe Durant appears in the affidavit of Charles Durant. No other name than Vicey is given; and the record here cited does not in any way show the name of any person by the name of Vicey or Vici Redman or Redmond.

Applicants support their applications with the affidavits of Charles Smith, John Lewis and Willis Jackson.

Charles Smith deposes "That he is eighty-four years of age and resides near Colbert in the Chickasaw Nation; that he came to the Territory with the old Choctaw and Chickasaw tribes; that he knew an old woman by the name of Bettsy Beam; she had a niece named Vici; was a small girl when I first knew her; Vici afterwards married a white man by the name of Jim Dowell; her maiden name was Vici Redmond I think; I have learned since that she died but I haven't seen her since she came to the Indian Territory; Vici Redmond was about one-half Choctaw Indian; I know her two sons Ransom and W. C. Dowell."

This affidavit is valueless as evidence in this case for the reason that affiant swears that the Vici Redmond he knew came to the Indian Territory where he learned that she died, while the evidence of the applicants show that many years after the removal of the Indians to the Choctaw Nation in the Indian Territory, the Vici Redmond, mother of the applicants, was living in the state of North Carolina where her children, the applicants in these cases, were born. The ages of the applicants, forty-seven and fourty-four years respectively, would indicate that their mother was living in the state of North Carolina about the year 1854.

Willis Jackson deposes "That he is fifty years old; that his post office is Atoka, Indian Territory; that he was born and raised in the state of Mississippi and emigrated to the Choctaw Nation, Indian Territory, in 1890; that he has been recognized by the Choctaw Nation as a citizen and enrolled

as such on the recognized rolls of the Choctaw Nation; that he is a full blood Choctaw Indian; that he knew a half breed Choctaw woman by the name of Vicey Redman and that she married a man by the name of Jas. Dowell; that they moved out of the state of Mississippi; that he understood they were going West; that he has recently met W. C. and R. R. Dowell at different places, and from having talked with them at various times learned that they are the sons of the Vicey Redman and Jas. Dowell whom he knew in the state of Mississippi; that he is satisfied from conversations with the said W. C. and R. R. Dowell that they are their children."

Reference is again made to the fact that the applicants, William C. and Riley Ransom Dowell, ages forty-seven and forty-four years respectively, testified that they were born in the state of North Carolina. Willis Jackson fifty years of age, only three years older than the eldest applicant, testifies that he knew the mother of these applicants and that they moved out of the state of Mississippi and that he understood they went West. From these facts it is impossible for Willis Jackson to have been of sufficient age to have remembered anything of the removal of the Vicey Dowell, nee Redman, who was the mother of these applicants, from the state of Mississippi, as it is shown that she was residing in the state of North Carolina when he was about three years of age.

John Lewis deposes "That he is a citizen of the Choctaw Nation; seventy-eight years of age; that his post office is Boggy Depot, Indian Territory; that he was born and raised in the state of Mississippi, and emigrated to the Choctaw Nation, Indian Territory, with the second emigration; that he is an enrolled citizen of the Choctaw Nation; that he remembers a man by the name of Redman in the state of Mississippi; he was an Indian; that he had a daughter by the name of Vicey; Vicey married a white man by the name of Jas. Dowell; Vicey was still in the state of Mississippi when I emigrated to this country."

The history of the removal of the Choctaw Indians from the old Choctaw Nation in Mississippi and Alabama to the Choctaw Nation in the Indian Territory, is that such removals took place between the years 1833 and 1838, and in order that this affidavit may be of value in this case, applicants must show some residence of their mother in the state of Mississippi other than her birth.

The evidence before the Commission fails to show that Vicey or Vici Dowell, nee Redman or Redmond, was a recognized member of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi and Alabama in 1830, nor is it shown that this ancestor was married and the head of a family and resided in Mississippi on the 27th day of September, 1830, the time of the conclusion of the treaty between the United States Government and the Choctaw tribe of Indians.

There is no evidence offered tending to show that the ancestors through whom the applicants claim ever complied with, or attempted to comply with, any of the provisions of the 14th article of said treaty.

REFER TO M. O. N 36

William C. Dowell
Ass

Jim Dowell, white, married Vicy Redman 1/2 Weil

Niece of Riley Bram

William C. Dowell 47 1/4 (mb 36)
First wife Ester England, white, second wife
Zilda Farris Dowell, white

Annie Dowell married Gatewood
Cora Dowell 26 1/8 (mb 1098) married Jesse Gatewood, white
Wade Gatewood 4 (mb 1098)
" Lennie Gatewood 2
Benlah V Dowell 16 (mb 36)
" Willie Dowell 12
" Edmund Dowell 11

4 Children don't know names

Riley Ramom Dowell 44 1/4 (mb 353)
Maggie Dowell, white, wife
Riley Erwin Dowell 4 (mb 353)
" Mabb E Dowell 2

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 9, 1902.

In the matter of the application for identification as Mississippi Choctaws of William C. Dowell, et al. M. C. R. 36.

In the matter of the application for identification as a Mississippi Choctaw of Riley R. Dowell, M. C. R. 353

In the matter of the application for identification as a Mississippi Choctaw of Cora Gatewood, et al., M. C. R. 1098.

In accordance with letter of the Commissioner of Indian Affairs of July 30, 1901, remanding to this Commission for further hearing the case of William C. Dowell, the case of this applicant has been combined with the cases of Riley R. Dowell, et al., and Cora Gatewood, et al., claiming descent from the same common ancestor, Vicey Redman, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of such additional testimony was furnished the several applicants herein, their attorneys and the attorneys for the Choctaw and Chickasaw Nations on November 27, 1900.

The case of the several applicants herein being set for re-hearing this date and the case being called, the following proceedings were had.

Appearances:

William C. Dowell, the principal applicant, represented by
J. O. Poole, Attorney for all the applicants herein.
John Lewis, witness.

William C. Dowell, being sworn testified as follows:

Examination by the Commission:

Q What is your name? A My name is William Cary Dowell.
Q How old are you? A Well, now, I'm-- I reckon I'm about 52; I dont know my age exactly; I never went to school a day in my life.
Q As near as you can come at your age--? A I think I'm about fifty-two; dont know a letter in the book.
Q What is your post office address? A Cliff.
Q Indian Territory? A Yes sir.
Q How long have you lived there? I've lived there a little over two years.

Q Where did you move from to Cliff? A I moved from Texas.
Q How long had you lived in Texas? A I lived in Texas about--a little, well I dont recellect how long; eight or nine years though, maybe longer than that; I dont know how long I did live in Texas.
Q Where did you move from to Texas? A I moved from North Carolina.
Q And you never lived anywhere except North Carolina, Texas and Indian Territory? A That's all.
Q Is your father living? A No sir.
Q What was his name? A Jim Dowell.
Q Was he a white man? A Yes sir.
Q Did'nt claim any Indian blood? A No sir; he was a full-blood Irishman.
Q Is your mother living? A No sir, she's dead.
Q What was her name? A Vicey Redman.
Q That was her maiden name? A Yes sir.
Q Did she claim Choctaw blood? A Yes sir.
Q How much? A One-half.
Q R-e-d-m-a-n; is that the proper way to spell it? A Redman; I dont know how you spell it, but it's Redman.
Q Where was your mother born? A In Mississippi.
Q And you were born in North Carolina? A Yes sir.
Q When did your mother move from Mississippi to North Carolina?
A Well it was a short time after they was married; she was married in Mississippi.
Q What year? A I dont know what year; I tell you I dont know the years nor nothing of that kind.
Q Are you the oldest of your mother's children? A Yes sir I am the oldest.
Q Do you know how long after your mother's marriage until your birth? A No sir, I dont know; I heard my mother say that after they were married that her and my father come over into Arkansas and they stayed there a while and he taken a notion to go back to his people in North Carolina, and I was born in North Carolina.
Q Were your mother and father married and the head of a family in the year 1830 -- that would be seventy-one years age -- seventy-two years age now? A Well, I dont know whether they was or not -- not far from along about that time I know; mother, if she was living she would be about 75 now, and I dont know exactly how old she was.
Q She could'nt have been head of a family then; who did your mother get her Choctaw blood from? A From Redman.
Q Her father? A Yes sir.
Q What was his given name, do you know? A No sir I dont know what his given name was.
Q Do you know how much Choctaw blood he had? A He was a full blod
Q Do you know the name of his wife? A No sir I dont know.
Q Was she a white woman? A Yes she was a white woman.
Q Are you the William C. Dowell who appeared before this Commission at Colbert, Indian Territory on June 14, 1900 and applied for the identification of yourself and your three minor children as Mississippi Choctaws? A Yes I guess so; I guess I'm the one.
Q Dont you know? did'nt you apply at that time at Colbert? A Yes sir; Yes I'm the man.
Q At the time you made that application you claimed your rights did you not under article 14 of the treaty between the United States government and the Choctaw tribe of Indians concluded on the 27th day of September 1830? A Yes sir I think I did.
Q Do you understand the provisions of that article? A No sir I dont understand it -- all of it.

Q This treaty was made at the time stated to you between the United States government and the Choctaw tribe of Indians, who at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama along the western boundary line, and was for the purpose of securing the removal of all the Choctaws from the old Choctaw Nation Mississippi and Alabama to a new country west of the Mississippi river. At the time the treaty was made some of these Choctaws did not want to go to this new country but wanted to remain in the old Choctaw Nation and for the benefit of this class of Indians article fourteen was made a part of the treaty: Article fourteen reads as follows:

> "Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty & in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q That article requires that in case a Choctaw desired to remain in the old Nation and take land there under its provisions he should within six months from the time the treaty was ratified (and the treaty was ratified by Congress on the 24th day of February 1831) signify to the government agent there in Mississippi his intention to remain in the old nation and take lands there under this article; after having done that he was entitled as the head of a family to a reservation of one section of 640 acres of land and for each child in his family unmarried and over the age of ten years he was entitled to one half that quantity or 320 acres of land and for each child under the age of ten years he was entitled to one quarter section or 160 acres of land, the reservations of the children to adjoin the reservation of the parent and these reservations to include any improvement owned by the head of the family at the time the treaty was made September 27, 1830. This article also required that after a Choctaw had received his land that he should reside upon said lands for a term of five years after which time the government would give him a title in fee simple enabling him to dispose of his land at his pleasure. The last clause of this article is as follows:

> "Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw elected to remain in the old

Choctaw Nation Mississippi and Alabama and take land under this article and reside upon this land for five years, if he ever removed he did not forfeit his right to citizenship in the new Choctaw Nation Indian Territory but that he did forfeit any right to any claims upon the Choctaw annuities; annuities were moneys that were being paid to the Choctaw tribe of Indians anually by the United States government under treaty provisions .

Q Do you think you understand that article now? A Yes I think I understand that very well.

Q Was this Choctaw ancestor of yours - Redman- a recognized member of the Choctaw tribe of Indians in 1830? A My grand-father?

Q Yes. A Yes.

Q Did he live in the old Choctaw Nation Mississippi and Alabama? at that time? A In Mississippi, yes sir.

Q Did this ancestor of yours ever compky with or attempt to comply with the provision of that article? A He taken advantage of that fourteenth article I think; he owned land there in Mississippi; my grand-father did.

Q Did he get this land that he owned there from the United States government as a Choctaw Indian? A Well now I cant tell you whether he got it from the United Stat es or not.

Q Do you know how he became in possession of this land? A No sir.

Q If he owned any lands as a beneficiary under the fourteenth article of the treaty of 1830, you say he complied with this fourteenth article, it would be a matter of record; do you know of any records that would show that this ancestor of yours, Redman, is recorded as a beneficiary under this fourteenth article? A None only what I heard my mother say that he taken advantage of the fourteenth article.

Q Your mother said he tookd advantage of the fourteenth article?

A Yes sir.

Q Did your mother understand the provisions of the fourteenth article of the treaty of 1830? A I dont know sir.

Q But she told you he took advantage of the fourteenth article of the treaty of 1830? A Yes sir.

Q Do you know of the existence of any proof of any kind that would tend to show that this ancestor of yours was a beneficiary under this fourteenth article? A Well, no; I dont know, without this old man here -- he knows my mother.

Q This is the one you intend to introduce at this time? A Yes sir he knows my mother and grand-father -- all about them; he knows more about that than I do; he nussed my mother and played with her when she was a little girl.

Q Did this Choctaw ancestor of yours move from the old Choctaw Nation Mississippi and Alabama to the new Choctaw Nation Indian Territory at the time of the removal of the Choctaws from the old Nation between the years 1833 and 1838? A Not that I know of.

Q You testified a while back that they moved from Mississippi to Arkansas? A That was my mother; she moved from Mississippi to Arkansas.

Q Did this grandfather of yours remain in Mississippi? A Yes sir.

Q He died in Mississippi? A Yes sir.

Q So far as you know then did this ancestor of yours, Redman within six months from the time this treaty was ratified go before the government agent in Mississippi and state that he was going to remain there and take land under this article? A Well I dont know whether he did or not.

Q You testified that your mother told you that this ancestor of yours Redman owned lands in Mississippi and that he got these lands as a beneficiary under article fourteen of the treaty of 1830? A Yes sir.

Q But you have no proof of any kind to offer to show that he was a beneficiary under this article? A No sir only what I was told.
Q You never saw any record, papers or deeds that would tend to show that? A If I had I could'nt have read them.
Q Have you heard any one else say they saw any records that show your ancestor took lands as a beneficiary under the fourteenth article of the treaty of 1830. A No sir.
Q Are you the father of Annie Gatewood? A Yes sir.
Q Is she living? A Yes sir.
Q Has she ever been before the Commission and applied for identification as a Mississippi Choctaw? A No sir.
Q Has she ever made application of any kind before the Commission?
A No sir.
Q Are you the father of Cora Gatewood? A Yes sir.
Q Can you give the names of Cora Gatewood's children? A I dont know whether I can or not; she has two but now I forget -- they have nick-names -- call one Bud and the other one Wade; that's the oldest and Lennie - Richard Lennie.
Q Are you the father of Beulah, Willie and Edmund Dowell? A Yes sir.
Q IsAnnie Gatewood the mother of any children? A Yes sir I think she has four.
Q Do you know their names? A No sir I dont know the names.
Q Who is Riley Ransom Dowell? A That's my brother.
Q He gets his Choctaw blood from the same source you do? A Yes sir
Q Do you know the names of his children A Riley Erwin and Mabel.
Q Are there any other descendants of Vicey Redman, who married Jim Dowell that you know of? A No sir ; that's all.
Q Is your brother present to-day? A Yes sir; there he is.
Q Did you ever make application of any kind to the Commission prior to this application you made at Colbert, in June 1900?
A No sir.
Q Did any of your married children ever make application prior to the application made at Colbert? A No sir.

This applicant has light brown hair, grayish-blue eyes, fair complection, and features and appearances of a white person; testifies that he has no knowledge of compliance on part of his ancestor with any of the provisions of the fourteenth article of the treaty of 1830.

Q Do you speak or understand the Choctaw language? A No sir.

Does'nt speak or understand the Choctaw language.

By J. O. Poole:

Q You say your grand-father on your mother's side was named Redman? A Redman.
Q Did he have any other name - any first name that you ever heard of? A No sir; not that I ever heard of.
Q ~~Did you say~~ that your mother told you he took land in Mississippi under the fourteenth article of the treaty of 1830? A Yes sir.
Q How old did you say your mother would be at this time if living?
A She would be about seventy-five years old.
Q

In view of the testimony of this witness, attorney for applicant calls attention to the fact that on page 40 of volume 7 of American State Papers is found the following record:

Under names of Indians owning farms, Redman, eight in the family, three males over sixteen years of age and three males and females under ten years of age. Under locality of farm Atcharcheesee,Creek for Little River, east side; under general remarks, land tolerable, indifferent water.

By the Commission:

Q Mr. Dowell have you any proof to offer that would tend to show that you are a descendant of the party named Redman, who is shown in that record? A Yes sir.
Q You have proof to offer that you are a descendant of that identical Redman? A Yes sir.
Q What kind of proof have you got to offer? A I got one man here.
Q Who is is? A John Lewis.
Q And you expect to prove that you are a descendant of that Redman named in the record quoted and that he is a beneficiary under article fourteen of the treaty of 1830? A Yes sir.
Q You yourself have no personal knowledge nor have you ever seen any records to show that you are a descendant of this Redman whose name is shown in this record? A I know that that was my mother's name.
Q But you do not know that this is the same Redman that is your mother's father do you? A No sir; I dont know that it's the same Redman.

John Lewis, a witness called in behalf of the applicant being first duly sworn testified as follows through Henry Byington, a sworn Choctaw interpreter:

Examination by the Commission:

Q What is your name? A John Lewis.
Q Ask him how old he is? A Seventy-nine years old.

Q Ask him his post office address? A Boggy Depot.
Q Choctaw Nation, is it? A Choctaw Nation.
Q How long has he lived in the Choctaw Nation? A Says he's been there ever since the second emigration from Mississippi, was born in Mississippi and been here ever since moved to this country.
Q Ask him if he knows when he moved to this country - what year?
A Says he dont know ; cant read nor write ; dont know how to keep up with the years.
Q By the Commission to Attorney: This witness is introduced to prove compliance on part of the ancestor of this applicant William C. Dowell, with the provisions of article fourteen of the treaty of 1830? A No sir;; to prove that this man Redman was the same man who appears in this record; the grand-father of this man Dowell was the same party whose name appears in

this record..

By Attorney J. O. Poole:

Q Did you know a man by the name of Redman in Mississippi - an Indian? A Yes sir.
Q Where did he live in Mississippi? A Said it was on different creeks down there - they called Tombigbee river, on a branch - called Hutcha.
Q Ask him whether or not he knew a creek or river that they called Little River? A Yes - a branch - a grove of wax trees grow on it-named Wax Creek.
Q Does he know of a Little river - one they call Little River?
A Yes sir.
Q Did this man Redman that he knew live anywhere near Little River? A Yes - lived near Little River.
Q On which side of Little River did he live - north side or south side? A Lived on the north side.
Q How far from the river? A It's about two miles from there.
Q How many children did this man Redman have when he knew him?
A Said he knew he had three children at the time he knew him but dont know the names of any of the children.
Q Were they boys or girls? A Boys.
Q All of them boys? A Yes sir; there was girls among them.
Q Ask him if he knows whether eitherof those girls was named Vicey? A Vicey one of them was.

By the Commission:

Q What was the names of the other two children? A Said that girl was the oldest one, the reason he remembered the name but dont remember the other two.
Q How do you happen to remember the name of one of them and not the other two? A Just lost his memory of the other two.

By J. O. Poole:

Q Were the other two older or younger than the girl? A He knew it because it was the girl child and the oldest one.
Q Was Redman's wife an Indian or white woman? A Yes she was an Indian.
Q Full-blood? A Yes sir.
Q When and where did he last see this girl Vicey Redman? A He said he saw them last time back there in Mississippi.
Q How old was she when he last saw them? A She was a girl but dont know what her agewas.
Q Was that when he left Mississippi that he last saw her? A Yes that's the last -- thatSs the last time -- they emigrated; that's the last time he saw her.
Q Do you know this man Dowell that was just on the stand? A Said dont know him; say s he told him that he was the son of Vicey Redman; that's how come -- he said he must be a Choctaw.
Q Does he know this man Dowell; is he acquainted with him? A Never was acquainted with him until just a few days ago.
Q Then you dont know whether this man Dowell is the son of Vicey Redman that you knew in Mississippi? A Says he cant say that he is Vicey Redman's son only from hearsay.
Q Was Vicey Redman older or younger than you are? A She was older than him.
Q How much? A He said he was quite young at that time and she must have been about twenty year old; dont know the exact age.
Q How old was he then? A He was between fourteen and fifteen years.
Q Did this man Redman have a farm - have land that he lived on there in Mississippi?

a Yes he had a farm there.
Q How much land did he have? A He thought he had about eight or ten acres; said did'nt know one acre from another them days.
Q Do you know whether he got this land from the government or whether he bought it? A He thinks it was alloted to him but dont know?

By the Commission:

Q Why do you think so?

By Mr. Poole:
Q What makes him think it was allotted to him? A He said there was a good many of them drawing land at that time ; he must have drawed land.

By the Commission:

Q He testifies he was about seventy-nine years old? A Yes sir.
Q And this Vicey Redman that he knew in Mississippi was twenty years old than he?

By Mr. Poole:

No sir he did'nt say that.

By the Commission:

Q Tell him that William C. Dowell, the son of this Vicey Redman testified in his examination that if his mother waslivingat the present time she would be seventy-five years of age; that would make him four years older than he; if she was five years older than he she would be eighty-four years of age; ask him to explain that.

Here attorney for applicant objects to the question for the reason that it is a rule of law that one witness cannot be asked to explain the testimony of another; it would not be allowed in any court.

By the Commission:

The objection is over ruled; we will hear the testimony.

A He said all he knows -- he dont know anything about the number of years -- all he knows is the time he come from Mississippi here; he knew her.
Q Ask him if Vicey Redman was in Mississippi at the time he left Mississippi; was she living in Mississippi? A Yes sir.
Q Ask him if he knows whether Vicey Redman ever lived in the state of Arkansas or not? A No.
Q Ask him if Vicey Redman ever lived in the State of North Carolina? A She might be there; it's the same name; it might be the same.
Q Ask him if he knows who Vicey Redman married? A Thinks she married Jim Dowell.
Q Why do you think so? A He said in them days they did'nt have marriage ceremonies.
Q Do you know that Vicey Redman was ever married? A He knows, he says.
Q How do you know? A He said they lived together; he thought they were married.

was married.
Q Was she living with Jim Dowell before you left Mississippi?
A Yes sir.
Q How long had they been living together before you left there?
A It was'nt many years.
Q Did they have any children? A No.
Q When did you last know Vicey Redman? A Knew them back in Mississippi.
Q How old a man was you when you last saw her or last knew anything about her? A He was about fifteen years old.
Q Was that about the time you left Mississippi? A Yes sir.
Q Did you ever hear anything of her or have you any knowledge of her since the time you left Mississippi? A No.

The principal applicant, William C. Dowell, recalled:
By J. O. Poole:

Q Mr. Dowell in your examination did you state that your mother would be seventy five years old now or about that? A About seventy-five ; I dont know her age; I dont know my own age exactly; I've got no education at all.
Q Can you read or write? A No sir; I cant read nor write a bit.
Q Have you a correct recollection as to dates? A No sir.
Q Your statement that she was about seventy five years old is a guess is it? A Yes; as near as I can get at it.

By the Commission:

Q Have you any more witnesses whose testimony you desire to submit to this Commission in support of your application? A No sir.
Q You desire to rest your case both for yourself and the other applicants in this case? A Yes sir.

Clara Mitchell Wood being first duly sworn upon oath states that as stenographer for the Commission to the Five Civilized Tribes she reported the proceedings had in the above entitled cause on the 9th day of January 1902, and that the above and foregoing is a true and correct transcript of herstenographic notes of said proceedings on said date.

Clara Mitchell Wood.

Subscribed and sworn to before me this 10th day of January 1902.

Philip Z. Hopkins
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. May 20, 1902.

In the matter of the application of William C. Dowell, et al., for identification as Mississippi Choctaws consolidating the applications of,

William C. Dowell, et al.,	M.C.R. 36,
Riley Ransom Dowell, et al.,	M.C.R. 353,
Cora Gatewood, et al.,	M.C.R. 1098.

In accordance with the letter of the Commissioner of Indian Affairs of April 23, 1902, returning the record, theretofore forwarded, with instructions that applicants be granted an opportunity to furnish evidence tending to show line of descent, if any, from one Vicey Beams.

In accordance with such instructions notices of the hearing of such additional testimony was mailed the several applicants herein, their attorney and the attorneys for the Choctaw and Chickasaw Nations on April 29, 1902.

The rehearing of the several cases being set for Monday May 19, 1902, and being continued until this day and date, and the cases being called, the following proceedings were had:

A P P E A R A N C E S

William C. Dowell, in his own behalf and in behalf of all the applicants herein

J. O. Fools, attorney for all the applicants herein.

William C. Dowell, principal applicant, being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Dowell is my name.
Q Full name? A William Perry Dowell.
Q Are you the William C. Dowell who is the principal applicant in the consolidated Mississippi Choctaw case of William C. Dowell, et al., Riley Ransom Dowell, et al., and Cora Gatewood, et al? A Yes, sir.
Q You appeared before the Commission on January 9, 1902, and gave additional testimony in support of this application did you? A Yes, sir.

Examination by attorney J. O. Poole.

Q What is the name of your mother? A My mother's name was Vicey Redman.
Q What was the name of your father? A My own father?
Q Yes? A Jim Dowell.
Q Did Jim Dowell possess any Indian blood? A No, sir; he did not.
Q Did Vicey Redman possess any Indian blood? A Yes, sir.
Q She was an Indian? A Yes, she was an Indian.
Q What was the name of her father? A My mother's father?
Q Yes? A Redman.
Q Did he have any given name? A I don't know.
Q Just went be the name of Redman? A Yes; I never saw him.
Q Was he an Indian or white man? A I don't know I never saw him.
Q Well the family history? A They said he was a part Indian.
Q Did he ever live in the state of Mississippi? A Yes; that is my understanding that he lived there and died there.
Q Do you know whether he ever availed himself of going before the United States Agent, in Mississippi, just after the treaty of Dancing Rabbit Creek for the purpose of being enrolled by the United StatesAgent to receive benefits under article fourteen of the treaty of 1830? A No, sir; I don't know.
Q Who was your grandmother? A My grandmother was Betsy Beam.
Q Your grandmother was Betsy Beam and your grandfather was Redman? A Yes, sir.
Q Your mother was a child of Betsy Beam? A Yes, sir.
Q Did your mother ever take advantage of that article by receiving or owning any land in Mississippi? A Not that I know of.
Q Did you eversee your grandfather Redman? A No, sir.
Q Did you ever see your grandmother Betsy Beam? A One time.
Q One time? A Yes; on e time.
Q How come you to see Betsey Beam? A Well my mother, when I was about nine or ten years old, that was after my father died, my mother took us to see her mother in Mississippi.
Q How old were you then? A I was nine or ten years old.
Q She livedin Mississippi? A Yes, sir.
Q Who was living with her? A There were'nt any one living with my grandmother that I know of.
Q Is that the only time you ever saw your grandmother? A That is the only time.
Q Did she have a home there? A Yes; she had a place there.
Q Do you know how she get that place? A No, sir; I don't know how she gotthat place but she had a place that she called hers.
Q Then Mr. Dowell, as to Vicey Beams, receiving any land back there or anything of that kind you don't know anything about that? A No, sir; I don't know anything about that. I don't know anything about my grandfather receiving any or my grandmother, only that they livedon a place there. I don't know whether they owned it or not.
Q And Vicey, that is your mother, you knew her as Vicey Redman? A Yes, sir.
Q Not as Vicey Beam at all? A No, sir; that is what they called my grandmother.
Q That is all the Beams there was to it? A Yes; my grandmother, Betsy Beams.
Q Did you know any other Betsy Beams or Vicey Beams living? A No, sir; I don't know anything about that.

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Q Do you know how it was that her mother was called Betsy Beam instead of Betsy Redman? A No, sir.

Q She was not living with Redman at the time you saw her? A No, sir.

Q Was Redman dead, do you know, then? A I don't know whether he was dead or not. I don't know whether they ever did live together or not. I never saw him.

Q Your information was only such as has been handed down to you except seeing your grandmother at her house? A Yes, sir.

Q What kind of a house did she live in? A Just in a small little house.

Q Is that about all you know about it? A Yes, that is about all.

Examination by the Commission.

Q Mr. Dowell, how old do you say you were when you saw your grandmother Betsy Beam in Mississippi? A I think I was about nine or ten years old I have no record of it, but it was in the time of the War. I don't know exactly how old I am right now but I was somewhere along about nine or ten according to the best of my recollections.

Q That is the civil War you have reference to ? A Yes; the Confederate war.

Q Betsy Beam your grandmother was living in Mississippi at that time? A Yes, sir.

Q You recollect what part of the state it was in? A No, sir.

Q But she did live in Mississippi at the time you saw her? A Yes, sir.

Q Having seen your grandmother can you state, from your own knowledge, whether she was possessed of Indian blood; did she have the appearance of one possessed of Indian blood? A Yes she had the appearance of Indian blood.

Q She was your mother's mother? A Yes; she was my mother's mother.

Q I will read your evidence given on January 9, Mr. Dowell, the first question asked you, speaking of your grandfather Redman was, "Do you know how much Choctaw blood he had?" your answer to that question was, "He was a full blood?" ? A Well that is that they said.

Q You then was asked the question, "Do you know the name of his wife?" your answer was "No, sir; I don't know." you was then asked "Was she a white woman?" you answered, "Yes, she was a white woman", A Yes, they said she was a white woman, but she had the appearance of an Indian.

Q I believe you testified that your mother and father lived in Arkansas? A No, my mother and father when they first married went to Arkansas and stayed there a little while and then went back to her people.

Q Did they move over to Arkansas at that time with your mother's mother? A No, sir; not that I ever heard of.

Q Your information is from family history; that your father and mother moved over there alone? A Yes, sir.

Q Do you know if your mother had any sisters or brothers and what are their names if you know? A I don't know whether she had any or not; they said she had two sisters but I don't know it for a fact; I never saw them.

Q How old a woman was your grandmother when you saw her in Mississippi; how old do you think she was? A I don't know; she was a very old woman when I saw her.

Q How old was your mother at that time? A Well I could not tell that; I have got no family record of my mother's age; I don't know how old my mother would be now; and I don't know exactly how old I am; I have no education at all; I can't read nor write; I never had any chance at any school.
Q You say now that your grandfather Redman's wife was named Betsy Beams? A Yes, sir.
Q When did you first learn that Redman's wife was named Betsy Beams? Well I learned that from my mother; I heard her talking about it.
Q Well when? A That was along after the War a while.
Q It was after the War? A Yes, sir.
Q It was before you came up here in january 1902? A Yes, sir.
Q You knew at that time that your grandfather Redman's wife was named Betsy Beams? A I knew that was what they called her some times.
Q Why was it, in answer to this question, in speaking of Redman's wife, "Do you know the name of his wife?" why did you answer at that time, "No, sir; I don't know."? A I misunderstood it.
Q You did answer at that time "No, sir; I don't know"? A If I did I misunderstood the question that was asked me.
Q At that time you had been in Mississippi and seen her; that is in january 1902, you had been in Mississippi and seen your grandmother, Betsy Beams? A Yes; when I was nine or ten years old.
Q You now state that she had the appearance of an Indian? A Yes; I said she sort of favored them.
Q The question was asked you, "Having seen your grandmother can you state from your own knowledge, whether she was possessed of Indian blood; did she have the appearance of one possessed of Indian blood?" your answer "Yes, she had the appearance of Indian blood". You gave that answer in response to that question? A Yes, sir.
Q You knew that fact in January 1902;you know that then as well as you know it now? A Yes, sir.
Q Why did you in answer to this question speaking of Redman's wife the question was "Was she a white woman?" why did you answer at that time " Yes, she was a white woman."? That is what they claimed her to be.
Q You now state she had all the appearances of an Indian? A I said she had the appearance of an Indian; I did not state she wasan Indian because I don't know.
Q How much Indian blood did Redman your grandfather possess? A I don't know how much he possessed; I think they claimed him to be one-half or a full blod.
Q Half blood or full; which was it? A I think they claimed him to be full blood but I don't know that; I never saw him in my life; that is what they claimed him to be, full blood; I don't know whether he was or not I don't want to testify to anything I don't know.
Q You stated that you understood that your mother had two sisters? Yes, that is theway I understand it.
Q Did you ever hear whether they were older or younger than your mother? A No, sir; I never did.
Q You stated that shortly after the War you were in Mississippi and saw your grandmother Betsy Beams? A Yes, sir.
Q Was she living alone at that time? A Yes, sir.
Q Had no husband and no children with her? A No, sir; there was nobody there but just her.
Q Were you there alone? A No,sir; my mother and my brother and all of us.
Q How long did you stay there? A We stayed there, I would not be

posit ive but it was only a short time.

Q Have you ever heard your mother or did you ever hear your grandmother while you were in Mississippi state that she, Betsy Beams, ever received any land as a Choctaw Indian under article fourteen of the treaty of 1830? A Yes; I heard my mother say that they did.

Q That they did? A Yes, sir.

Q You mean that who did? A Well I don't know she just said that we had land there in Mississippi that we got.

Q Got how? A Under the fourteenth article.

Q Did she state that they went before Colonel Ward? A No, sir; she never stated anything about it, she only said that they had land in Mississippi that they got from the government; she did not say how or anything at all about it.

Q You now state that your grandmother Betsy Beams was a white woman; at least that that is what they all toldyou; that is what your information is? A Yes, sir.

Q And you state now that Vicey Beams or Vicey Redman your mother,--; was that your mother? A Vicey Redman.

Q That she was a daughter of Betsy Beams? A Yes; that is what they told me.

Q Have you heard your mother Vicey Redman state that she was a daughter of Betsy Beams? A Yes; that Betsy washer mother.

Q And that Redman was her father? A Yes, sir.

Q Did you ever hear her say whether Redman and Betsy Beams were married? A No, sir; I never did.

Q You don't know that they were? A No, sir.

Q Whom did your mother claim to derive her Choctaw blood from? A My mother claimed from Redman.

Q From her father? A Yes, sir.

Q You never heard her claim any from Betsy Beams her mother? A A No, sir; I never did her her claim any from Betsy Beams.

Q Now there is no doubt in your mind at present that it was after the War that you saw your grandmother Betsy Beams in Mississippi? A No, sir; it was not after the War was over with. It was while the War was going on.

Q The War had not ceased when you went there? A That is when it was.

Q It was during the four years the War was in progress? A Yes, sir

Q It was not before that? A No, sir; it was not before.

Q Did Betsy Beams your grandmother ever have a husband by the name of Bob Hancock? A Well I don't know; if she ever did I don't know it.

Q Did you ever hear that she did? A No, sir; I never have heard that she did. She might and she might not I don't know anything

Q about it.

Q Did you ever hear your mother state whether she had any sister older or whether she had any sister younger than she was? A No, sir; I never heard her say whether they were older or younger if they did I have forgotten.

By attorney J. O. Poole.

We want to introduce a witness by the name of Edwards, I think that is the name; I expect I had better ask for thirty days and I propose to prove by him as to the Beams family and the connection of these applicants to them.

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By the Commission

It will be impossible for the Commission to comply with the request of the attorney for the applicants in regard to thirty days additional time in which to submit the testimony of the witness above named but the Commission will grant until June 1st, 1902, in which to submit said testimony or any other testimony the applicants may desire to offer in support of their said applications.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on this 20th day of May 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on this said date of May 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 20th day of May 1902.

Charles H. Lawson

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Colbert, I.T. May 21, 1902.

In the matter of the application of William C. Dowell et al. foridentification as Mississippi Choctaws, being a consolidation of the following applications

William C. Dowell et al.,	M.C.R.	36
Riley Ransom Dowell et al.,	M.C.R.	353
Cora Gatewood et al.,	M.C.R.	1098

Testimony of Charles Smith

Charles Smith having been sub-poenaed by the Commission to testify relative to a certain affidavit heretofore made by him in the application of William C. Dowell et al., and having been duly sworn by B.C:Wigand, a duly authorized Notary Public in and for the Central District, Indian Territory, testified as follows:

Examination by the Commission:

Q what is your name? A Charles Smith.
Q What is your age? A I am going on eighty four; I was eighty three on the 19th January; born in 1819.
Q What is your post office address? A Colbert Station here.
Q Are you a recognized Freedman of the Chickasaw Nation? A Yes sir.
Q Enrolled? A Yes sir; by the Dawes Commission; yes sir.
Q How long have you lived in the vicinity where you now live- near Colbert? A I came here in '44.
Q You have resided here continuously since that time? A Ever since.
Q Are you acquainted with one William C. Dowell? A Yes sir, he is up here at Durant.
Q How long have you known him? A For a year or two; two years.
Q Do you know Riley Ransom Dowell? A No sir, I was not acquainted with him.
Q Do you know Cora Gatewood? A No sir. Does she live in Denison?
Q No, she lives at Cliff, Indian Territory. A I knowed some Gatewoods that lived over in Sherman.
Q Do you know any of the children of William C. Dowell? A No sir, not exactly; I have seen them but I don't know them.
Q Are you acquainted with the mother of William C. Dowell? A No sir.

Q did you ever see her? A Not as I knows of.
Q You say you are not acquainted with man named Riley Ransom Dowell? A No sir, the doctor is all I know.
Q By the doctor you mean William C. Dowell? A Yes, he lives at Durant.
Q You never knew him till two years ago? A No sir.
Q And you state now that you are not acquainted with his mother?
A No sir, I never seed his mother.
Q Never saw his mother? A No sir.
Q Do you remember having made an affidavit on the 19th day of June, 1900, in the case of William C. Dowell for identification as Mississippi Choctaws before the Dawes Commission? A Yes, I was up there at the Dawes Commission.
Q Well, you say you were up before the Dawes Commission-- when was that? A Two years ago.
Q Well, at that time, did you make an affidavit-? A No sir, he come down after me and he got my evidence.
Q Before that Notary Public did you make that affidavit? the one that you made two years ago? A That's up there in the Dawes Commission.
Q Do you know a man by the name of N.B.Moore, a Notary Public?
A Yes sir, he used to live here, didn't he? Harvey Moore; I am acquainted with him ever since he was a boy.
Q Did you ever make an affidavit before him,- swear to a paper before him? A Yes sir.
Q Did you swear to an affidavit before N.B.Moore which you made for William C. Dowell? A Yes sir.
Q Can you remember what the contents of that affidavit was now? Can you tell now what you swore before this Notary Public, N.B.Moore, two years ago in an affidavit for William C. Dowell? A I told him his wife was belonging to the Chickasaw family.
Q Whose wife? A William C. Dowell's.
Q Did you swear to that before this Notary Public, Moore, that William C. Dowell's wife belonged to the Chickasaw family? A Well, her father lives at Durant; doctor McDowell's wife's.
Q What's her name? A I don't know her name,- her father is John Colbert.
Q You say that doctor- William C. Dowell's wife is a Chickasaw?
A She's said to be.
Q Do you know what blood William C. Dowell has,- is he Indian?
A I don't think he is; they say he is.
Q You don't think William C. Dowell is Indian? A No sir; never said he was one.
Q Did you ever make the statement that you were acquainted with the mother of Doctor or William C. Dowell? A His mother?
Q Yes. A No sir, I never seed her.
Q I say, did you ever make the statement that you knew her? A No sir; never did. Never made no statement about that.
Q Were you ever acquainted with a woman by the name of Betsy Beams?
A No sir, not as I know of. Never said nothing to me about it.
Q I said, did you ever know a woman by the name of Betsy Beams?
A No sir, I never knew her.
Q Either in Indian Territory or in Mississippi? A No sir.

Q Did you know a woman by the name of Betsy Beams in Mississippi? A No sir; there was some Beams out here; there's one named Jenny and Malsie Beam.
Q Where did you know these two Beams? A They lived over here on Blue a while and then on the Washita. They was Charley's children.
Q That is in the Chickasaw Nation? A Yes sir.
Q Indian Territory? A Yes sir.
Q Did you know these two Beams in the State of Mississippi? A No sir, not till they come out here.
Q Did you ever know any person in the State of Mississippi by the name of Beam? A Charley Beam is the only one I knowed there. The others I knowed out here: knowed old Charley Beam back in Mississippi.
Q And that Charley Beam that you knew in Mississippi you say was the father of these two Beams who lived on Blue and Washita? A Yes sir.
Q These are boys-- A Yes sir, boys and girls.
Q But you never knew a woman by the name of Betsy Beam ? A No sir.
Q To refresh your memory-- did you ever know a woman in Mississippi, Alabama or in Indian Territory by the name of Betsy Beams, who had a niece or who had a daughter by the name of Vicey Beams? A Yes sir, there was a Vicey Beams out here but I was not personally acquainted; I have heard the other ones talking about it.
Q Where did she live? A I don't know exactly; up on Blue somewhere by Boakesville somewhere.
Q Was the Vicey Beams you knew a daughter of Betsy Beams? A Not that I know of.
Q Did she ever have any other name besides Vicey Beams? A Not as I know of.
Q Did you ever know a woman by the name of Vicey Redmond? A No sir.
Q What blood did Vicey Beam that you say lived up here in the Indian Territory in the Choctaw Nation; what blood did she possess? A Choctaw.
Q How much? A I don't know.
Q Did you ever see her? A Yes sir.
Q When? A Years ago, its been.
Q How many? A Over twenty years; is she living yet? I heard somebody say she was dead.
Q Did you hear when she died? A Four or five years they say she was there.
Q Did she die about four or five years ago? A More than that.
Q About how long? A Seven or eight years since I heard.
Q You recollect the Civil War? A Yes sir.
Q Did you know this Vicey Beams at that time? A Yes sir.
Q Where? A By the Blue.
Q What post office? A I don't know.
Q What post office is there now? A The post office used to be on the road to Boakesville.
Q About how far to where she lived from where we are now? To where she lived during the war? A Somewhere about eighteen or twenty miles.
Q You are certain that she lived there during the war? A Yes sir.
Q You knew her at that ti me? A Yes sir.
Q You saw her at that time- sometime during the four years of the war? A Yes sir.

Q Do you know the names of any of her children? A No sir; I just seen her passing by at these ball playings.
Q Did she have a husband named Bob or Robert Hancock during the War? A Yes sir, I knowed him.
Q Was that her husband? A Yes sir.
Q Did he live with Vicey Beams? A Yes sir; he kept a store at Boggy Depot-- Bob Hancock was said to be a white man and married into Indian family.
Q What family did he have,- how many children? A I don't know sir.
Q Do you know any one of the children? A No sir.
Q Was Bob Hancock elder or younger than Vicey Beams when he was living there? A He was older I think.
Q When you know when this Vicey Beams you speak of came from Mississippi to this country? A They came out before I did.
Q And you came here in '44? A Yes sir.
Q Now, let me read you this affidavit: "

"Indian Territory (ss.
Southern District(

Before me the undersigned authority this day personally appeared Charles Smith a Chickasaw Freedman, who being by me first duly sworn deposes and says: I am 84 years old and reside near Colbert in the Chickasaw Nation near Colbert. I came to the Territory with the old Choctaw and Chickasaw Tribes. We first stopped near the Choctaw and Chickasaw line north of Parris in the Indian Territory. We camped there for several weeks; then my master moved up in the Chickasaw Nation north of Denison where I have since lived and now live. I knew an old woman by the name of Betsey Beam, she had a niece named Vici, was a small girl when I first knew her. Vici afterwards married a white man by the name of Jim Dowell. Her maiden name was Vici Redmond I think. I have learned since that she died but I have not seen her since she came to the Indian Territory. Vici Redmond was about a one-half blood Choctaw Indian. I know her two sons Ransom and W.C.Dowel.

Witness
Davis A. Homer

Chas his X mark Smith

Subscribed and sworn to before me this the 19th day of June, 1900.

H . B. Moore

Notary Public
Southern Dist.

Q Did you make that affidavit? A Yes, I think I did.
Q It is signed by mark- Chas Smith, his mark- and witnessed by

Davis A. Homer and subscribed and sworn to before H.N.Moore, Notary Public, Southern District. Did you see that? A Yes sir.
Q was that read to you? A Yes sir.
Q Was it read over to you by these people? A Yes sir.
Q Did you sign that- touch the pen and make your mark and swear to that? A Yes sir.
Q Were the facts that you swore to at that time true? A Yes, I think it was.
Q You now state that you are not acquainted with the mother of Doctor or William C. Dowell. A With his? I am not.
Q At that time you stated that his mother's name was Vici Beam or Vici Redmond; was that true? A Yes, I think so.
Q Did you know more about it two years ago than you do now? A No sir.
Q Why is it then that you stated that William C. Dowell-- A I didn't know anything about it; I didn't understand.
Q Well, I don't want to mix you up or frighten you- A They didn't explain it to me; I didn't know anything about his mother; I just got acquainted with the Doctor two years ago.
Q Let me ask you again, Charley; did they explain to you all the facts that you set up in the affidavit that you swore to? A They told me and read it to me.
Q Did they tell you that you were swearing that you did know the mother of Doctor or W.C.Dowell? A No sir, I don't know- I didn't know.
Q Did they tell you that if you signed that affidavit that you would say that the mother of William C. Dowell was Vici Beam or Vici Redmond? Did they tell you that? A No sir.
Q Did you know at the time you signed that affidavit that you were making the statement that Vici Beam was married to a white man named Jim Dowell? A No sir, I didn't know that was in that affidavit.
Q Did they tell you it was in there? A No sir.
Q Was Vici Beam ever married to Jim Dowell? A Not as I knows of. I never seed Jim Dowell; I seed the Doctor, that's all.
Q Do you know who Vici Beam's mother was? Who was Vici Beam's mother? A No sir, I don't know.
Q Did you know who Vici Beam's father was? A Her father was named Charley Beam.
Q That's the same Vici Beam you knew up here on Blue? A Yes sir.
Q Did you ever know that Vici Beam in Mississippi? A No sir.
Q That Vici Beam that you knew out there- was she recognized Choctaw Indian? A Was said to be; they was all Choctaws.
Q Was that Vici Beam that lived on Blue, was she the mother of William C. Dowell that you knew now up in Durant? A No sir, they never said nothing about his mother.
Q You never saw him there at Vici Beam's house? A No sir.
Q Did you ever see a man that went by the name of Ransom Dowell or Riley Ransom Dowell? A No sir.
Q Did you ever hear of him? A I heard the name of Ransom but I never seen him.
Q You don't know where he lives? A No sir.
Q Don't know who his mother is? A No sir.
Q Know any of his brothers or sisters? A No sir.
Q Do you know any of the brothers or sisters of William C. Dowell A No sir.

Q Are you acquainted with an Attorney by the name of J.C.Poole? who lives in Roscoe, Texas? A No sir, I don't know him.
Q Is there any other statement now, Uncle, that you desire to make in explanation of that affidavit that I have read to you? A No sir, I don't know.
Q Is there any explanation you or any other statement that you desire to make in explanation of the testimony that you have given today? A No sir.
Q You have made this of your own free will, have you? A Yes sir.
Q There has been no intimidation or coercion on the part of any representative of the Dawes Commission? A No sir.
Q I mean that we have not forced you or threatened you or compelled you in any way? A No sir.

Henry G. Haines being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported the above testimony on May 21, 1902, and that this is a full, true and correct transcript of his stenographic notes in same.

Henry G. Haines

Subscribed and sworn to before me this 22 day of May, 1902.

Charles McSampe

Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 1, 1902.

In the matter of the application of William C. Dowell, et al., applicants for identification as Mississippi Choctaws being a consolidation of the following applications:

William C. Dowell, et al.,	M.C.R. 36,
Riley Ransom Dowell, et al.,	M.C.R. 353,
Cora Gatewood, et al.,	M.C.R. 1098.

In accordance with the letter of the Secretary of the Interior of May 12, 1902, instructing this Commission to grant the applicants herein further time for the introduction of additional evidence in support of there several applications, the cases of the several applicants herein were set for hearing June 1, 1902, and the several applicants herein, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations were notified on May 20, 1902,

The cases of the several applicants herein being set for this day and date and said cases being called there was no appearance on the part of the several applicants herein, their attorney; nor the attorneys for the Choctaw and Chickasaw Nations, neither was there offered any additional evidence by the applicants; their attorney, nor the attorneys for the Choctaw and Chickasaw Nations.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause.

G Rosenwinkel

Subscribed and sworn to before me this 16th day of June 1902.

Charles Ketchum

Notary Public.

K.R.
C.V.W.
Wm.O.B.

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application of William C. Dowell, et al., for identification as Mississippi Choctaws, consolidating the applications of

William C. Dowell, et al.,	M.C.R. 36
Riley Ransom Dowell, et al.,	M.C.R. 363
Cora Gatewood, et al.,	M.C.R. 1098

-:D E C I S I O N :-

The record in the above consolidated case shows that there were, originally, three applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of William C. Dowell for the identification of himself and his three minor children, Beulah D., Willie and Edmund Dowell, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 14, 1900.

In the matter of the application of Riley Ransom Dowell for the identification of himself and his two minor children, Riley Ervin, and Mable E. Dowell, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Cora Gatewood for the identification of herself and her two minor children, Wade and Lemmie Gatewood, as Mississippi Choctaws, taken at Atoka, Indian Territory, December 10, 1900.

While these several applications have been consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to considered them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of William C. Dowell, et al., that on June 14, 1900, the said William C. Dowell appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his three minor children, Beulah D., Willie and Edmund Dowell, as Mississippi Choctaws claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in eighteen hundred and thirty, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September twenty-seventh, eighteen hundred and thirty, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from Vicey Dowell, whose maiden name was Vicey Redman, an alleged one-half blood Choctaw Indian, who married Jim Dowell, a white man, and who are the parents of this applicant and now deceased.

The record in this case further shows that the principal applicant, William C. Dowell, and his three minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Charles Smith, Willis Jackson, and John Lewis. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of North Carolina, in about

the year 1853 and that for seven months prior to the making of his original application had been a resident of Indian Territory, and is an one quarter blood Choctaw. He does not attempt to trace his alleged Choctaw descent any farther back than to his mother, and there is nothing in his statement which tends to show that any of his alleged Choctaw ancestors were ever residents of the state of Mississippi and there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Chas. Smith, it is attempted to be shown that he was acquainted with oneVici Redmond whom he alleges was an one half blood Choctaw, and was married to Jim Dowell, a white man, and that the principal applicant herein is the issue of said marriage. By the ex parte affidavits of Willis Jackson and John Lewis it is attempted to be shown that affiants are acquainted with the principal applicant herein, whom they allege they have reason to believe is the son of one Vicey Dowell and her husband, James Dowell, whom affiants allege they knew were married in the state of Mississippi, and that the said Vicey Dowell was an one half blood Choctaw woman, whose maiden name was Vicey Redman. The affiant John Lewis further alleges that he is a full blood Choctaw Indian and came from Mississippi to the Choctaw Nation, Indian Territory, with the"second emigration ", and at that time the Vicey Redman he knew was still a resident of the state of Mississippi. There is nothing in any of the affidavits that are filed herewith which tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians in that state, or that

they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him. However, as said petition contains the following paragraph: "Applicant states that he is the son of the above named Vici Dowell, nee Redmond, a Mississippi Choctaw Indian of the one quarter blood, whose name appears in Volume _____ Page 432 of the Choctaw Rolls", the Commission has diligently examined all the records in its possession which in any way relate to Mississippi Choctaw Indians for the name of Vici Dowell, nee Redmond, and no such name can be found upon said records.

The next in order of the above applications is that of Riley Ransom Dowell, et al., and the record therein shows that on June 19, 1900, the said Riley Ransom Dowell appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, Riley Ervin and Mable E. Dowell, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from Vicey Redmond, an alleged Choctaw Indian woman, degree of blood not given, who married Jim Dowell, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal

applicant, Riley Ransom Dowell, and his two minor children for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats, 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavit of Charles Smith. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of North Carolina in about the year 1855, and since December, 1899, has been a resident of Indian Territory, and is an one quarter blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandfather, but he does not state the name of his said grandfather. He claims, however, that his mother resided in the state of Mississippi and moved from there to North Carolina, but he does not know the date of said removal. There is nothing in his statement which tends to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article four-

teen of the treaty of 1830. By the ex parte affidavit of Chas. Smith it is attempted to be shown that affiant is acquainted with the principal applicant herein and with his parents, Jim Dowell and Vici Dowell, and alleges that the maiden name of the principal applicant's mother was Vici Redmond, and that he knew the said Vici Redmond in the state of Mississippi and knew her to be married to Jim Dowell in that state, and that she was an one half blood Choctaw Indian. There is nothing in said affidavit which tends to show that the said Vici Redmond or any other of the ancestors of the principal applicant herein were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The last in order of the above applications is that of Cora Gatewood, et al., and the record therein shows that on December 10, 1900, the said Cora Gatewood appeared before the Commission at Ateka, Indian Territory, and there made personal application for the identification of herself and her two minor children, Wade and Lemmie Gatewood as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from William C. Dowell, an alleged one quarter

blood Choctaw, who married Ester England, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Cora Gatewood, and her two minor children for whom applica tion is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the oral statement of W. C. Dowell, and the ex parte affidavits of Willis Jackson and John Lewis. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in about the year 1874, and that for fifteen months prior to the making of her original application had been a resident of Indian Territory; but she does not state how much Choctaw blood she is possessed of. She attempts to trace her alleged Choctaw descent through her father to her grandmother, whom she alleges was an one half blood Choctaw woman, but she does not state the name of her said grandmother. By the oral statement of W. C. Dowell, given before the Commission at the time of the making of the oral application of the principal applicant, it is simply attempted

to be shown that he is the father of the principal applicant herein. There is nothing in either of the oral statements which tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits filed herewith, it is attempted to be shown that affiants are acquainted with the principal applicant whom they allege was the daughter of W. C. Dowell, who was a son of James Dowell and his wife, Vicey, whose maiden name they allege was Redman, and whom they aver they were acquainted with in the state of Mississippi, and who was a half breed Choctaw. Affiants allege that the said Vicey Redman was married to James Dowell in the state of Mississippi, and from the ex parte affidavit of John Lewis it appears that she was residing with her said husband in the state of Mississippi at the time of the second emigration of the Choctaw Indians from Mississippi to the Choctaw Nation, Indian Territory. There is nothing in either of the affidavits filed herewith that tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The record in this case shows that on June 14, 1900, an oral decision was rendered by the Commission denying the application of William C. Dowell, et al., and on September 8, 1900, there was forwarded by the Commission to William C. Dowell, a written decision refusing the application made by him for him-

self and children as Mississippi Choctaws. On March 1, 1901, there was forwarded by the Commission to Riley Ransom Dowell a written decision refusing the application made by him for himself and his children as Mississippi Choctaws.

On December 3, 1900, the record in the case of William C. Dowell, et al., was forwarded to the Secretary of the Interior.

On July 30, 1901, the Commissioner of Indian Affairs, acting under instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Secretary of the Interior, for further hearing.

In accordance with the instructions of the Commission of Indian Affairs the Commission to the Five Civilized Tribes, on November 27, 1901, notified William C. Dowell, the principal applicant in the case so remanded and also Riley Ransom Dowell and Cora Gatewood, who had applied for identification as Mississippi Choctaws claiming descent from the same common ancestor but whose cases had not theretofore been forwarded to the Secretary of the Interior that, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Thursday January 9, 1902 at nine o'clock A.M. there would be heard the testimony of such witnesses as might be presented by said applicants, or on behalf of the Choctaw and Chickasaw Nations. Notice was at the same time given to the attorneys of record of said parties, of the time and the place of the hearing of further testimony in said cases and notice to the same effect, was, on the same date, given to Mansfield, McMurray & Cornish attorneys for the Choctaw and Chickasaw Nations.

On January 9, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine o'clock A.M. this case was called for hearing and the following appearances were noted; William C. Dowell, the principal applicant in this group of consolidated cases, and J. G. Poole, one of the attorneys of record for all of the applicants herein. No appearance was made on behalf of the Choctaw and Chickasaw Nations.

At this rehearing there was submitted the oral testimony of William C. Dowell and John Lewis, witness for all of said applicants. The evidence given by said William C. Dowell, the principal applicant in this group of consolidated cases attempts to trace the alleged Choctaw descent of said applicants to one Redman, who said principal applicant alleges was his maternal grandfather and a full blood Choctaw Indian, and whose name he claims appears upon page, 40, of volume 7, of American State Papers. He further alleges that his said maternal grandfather, Redman, lived in the state of Mississippi in eighteen hundred and thirty, and further alleges that he complied with article fourteen of the treaty of Dancing Rabbit Creek, and that said principal applicant received said information from his mother Vicey Dowell, nee Redman. He further alleges that his said mother would be about seventy-five years of age if living at the time of said rehearing. The record referred to by the principal applicant at this rehearing, page 40, volume 7, American State Papers, relates only to one Redman, and even though the applicants herein were permitted to claim under him, the record referred to is simply a list of names of Choctaws, heads of families, who resided in Chief Ni-ta-cha-chii's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the time of the making of the treaty of Dancing Rabbit Creek, had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The record above referred to, in no way relates to, or shows, any compliance or attempted compliance, on the part of the persons named therein, with the provisions of article fourteen of the treaty of eighteen hundred and thirty. The record further shows that at this rehearing the oral testimony of John Lewis was submitted, in which he attempts to show that Vicey

Dowell, nee Redman, alleged to be a full blood Choctaw woman, was the daughter of one Redman and his wife, both alleged to have been residents of the state of Mississippi and both alleged to have been full blood Choctaw Indians. He further alleges that one Vicey Redman was married to one Jim Dowell, and formerly lived in the state of Mississippi, and that he knew her in that state when he was fifteen years old. As the testimony taken at this rehearing shows that said witness was four years older than Vicey Dowell, nee Redman, it would appear that the witness knew her in the state of Mississippi as a married woman when she was eleven years of age. There is nothing in the testimony of said witness which tends to show the relationship of the "Redman" whom he knew in Mississippi and the applicants herein, further than he was informed by the principal applicant, William C. Dowell.

The Commission, in view of the fact that the several applicants in this group of consolidated cases have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support of said applications embraces the oral statements of the several applicants given at the making of their original applications, the ex parte affidavits filed by them, and the testimony taken at the rehearing of these applications on January 9, 1902. By the evidence submitted at the making of the several original applications herein, the alleged Choctaw descent of the several applicants was attempted to be traced to one Vicey (or Vici) Redmond, whom it was alleged was an one half blood Choctaw woman and a resident of Mississippi; by the ex parte affidavits filed by said applicants it was attempted to be shown that the affiants knew the said Vicey (or Vici) Redmond to have been married to one Jim Dowell in the state of

Mississippi; by the ex parte affidavit of John Lewis it is attempted to be shown that the affiant left the state of Mississippi with the second emigration of Choctaw Indians from that state to the Choctaw Nation, Indian Territory, and that the said Vici Redmond and her husband Jim Dowell were residing in the state of Mississippi when he left that state. While affiant does not state the exact date of what he terms the second emigration, it appears from the records in the possession of the Commission that the Choctaw Indians removed from the old Choctaw Nation in Mississippi to the new Choctaw Nation in Indian Territory between the years 1833 and 1838, and it would therefore appear that Vici Redmond, if not married and the head of a family in the year 1830, was living at that time, and if she did not comply with the provisions of article fourteen of the treaty of 1830 as the head of a family, she should appear of record as the living child of some Choctaw head of a family named Redmond who did comply withartiole fourteen of the treaty of 1830, in order that the applicants herein might claim a right to identification as Mississippi Choctaws, descendants of Choctaw Indians who complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. At this rehearing had on January 9, 1902, William C. Dowell, the principal applicant in this group of consolidated cases, and particularly John Lewis, a full blood Choctaw witness, testified that the several applicants herein derive their alleged Choctaw descent from Vicey Redman, who was the daughter of a full blood Choctaw Indian named "Redman," and whose name it is claimed appears upon page 40 , Volume 7, American State Papers, Public Lands, and who complied with article fourteen of the treaty of Dancing Rabbit Creek, and from an examination of the record

above cited it is found that the name of one Redman does appear upon page 40, of Volume 7, American State Papers, Public lands, in a list of names of Choctaw Indians, heads of families, who resided in Chief Ni-ta-cha-chil's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the date of the making of the treaty of Dancing Rabbit Creek had land in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to, or shows, any compliance or attempted compliance on the part of the persons named therein with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The testimony of the principal applicant, William C. Dowell, and the witness John Lewis as to the age of Vicey Redman is very conflicting, inasmuch as the witness John Lewis states that just before he left Mississippi with the second emigration (between 1833 and 1838) she was twenty years of age and living with Jim Dowell as his wife; and the principal applicant states that if his mother was living she would be seventy five years of age. It does not appear from an examination of the records in the possession of the Commission of those persons who did comply, or attempted to comply, with the provisions of article fourteen of the treaty of 1830, that any person by the name of Vicey Redman, or any person by the name of Redman, ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen of the treaty of 1830, or presented their claims under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats.,495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William C. Dowell, Beulah D. Dowell, Willie Dowell, Edmund Dowell, Riley Ransom Dowell, Riley Ervin Dowell, Mable E. Dowell, Cora Gatewood, Wade Gatewood and Lemmie Gatewood, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. R. Breckinridge.

Commissioners.

Muskogee, Indian Territory,

~~MAR 3 1902~~

V

Muskogee, Indian Territory, August 10, 1900.

Mr. William C. Dowell,

Cliff, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 7th, in which you state that you have a crop on a place cultivated by a man named Archy, who is a white man. You state that you have appeared before the Commission and stated that you were a son of Vicy Redmans and you desire to know if you must pay rent on this land.

In reply to your letter, you are advised that the records of the Commission show that you made application for identification as a Mississippi Choctaw before the Commission at Colbert, June 14th, 1900, and that at that time the Commission refused your application for identification as a Mississippi Choctaw, and denied your rights to participation in the lands of the Choctaw Nation. No reason is therefore seen why you should not pay rents on the lands occupied by you.

Yours truly,

Acting Chairman.

.C.R 56

Muskogee, Indian Territory, November 27, 1901.

Commissioner

of Indian Affairs,

Sir:

In the matter of the applications for identification as Mississippi Choctaws of William C. Dowell et al, record of which was returned to the Commission with letter of your office of July 30, 1901, with instructions for further hearing, this case will be considered together with the cases of Riley R. Dowell et al and Cora Gatewood et al, applicants for identification as Mississippi Choctaws, claiming descent through the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, their attorneys, and the attorneys for the Choctaw Nation, that additional evidence of witnesses will be heard at the office of the Commission at Muskogee, Indian Territory, on Thursday, January 9, 1902, at nine o'clock a. m.

Respectfully,

Acting Chairman.

M.C.

38, 333, 1098.

Muskogee, Indian Territory, November 27, 1901.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with the instructions of the Commissioner of Indian Affairs, on Thursday, January 9, 1902, at nine o'clock A/ M/, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may present themselves in person in the cases of William C. Dowell et al, Riley R. Dowell et al, and Cora Gatewood et al, applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M.O?
26, 352, 1098.

Muskogee, Indian Territory, November 27, 1901.

Chester Howe, Esq.,

623 F. Street, N. W.,

Washington, D. C.

Dear Sir:

You are hereby notified that in accordance with the instructions of the Commissioner of Indian Affairs, on Thursday, January 9, 1902, at nine o'clock a. m., at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may present themselves in person in the cases of Riley R. Dewell, William C. Dewell et al, and Cora Gatewood et al, applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M.C.
36,353,1098.

Muskogee, Indian Territory, November 27, 1901.

William C. Dowell,

Cliff, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and three minor children, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Thursday, January 9, 1902, at nine o'clock a. m., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

Acting Chairman.

M.C.36.

COPY.

Muskogee, Indian Territory, March 3, 1902.

Mr. J. O. Poole,
Attorney-at-Law,
Hocons, Texas.

Dear Sir:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Dowell, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Dowell, et al.,	M.C.R. 36
Riley Ransom Dowell, et al.,	M.C.R. 353
Cora Gatewood, et al.,	M.C.R. 1098

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 28, 1898, is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this

J. O. P., E.

case is insufficient to determine the identity of William C. Dowell, Beulah M. Dowell, Willie Dowell, Edmund Dowell, Riley Rahsam Dowell, Riley Ervin Dowell, Mable E. Dowell, Cora Gatewood, Jade Gatewood and Lemmie Gatewood, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby
ACTING CHAIRMAN.

Commissioner in Charge.

Registered.

COPY.

-MCR-36-

Muskogee, Indian Territory, March 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William C. Dowell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 3, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

---William C. Dowell, et al., M.C.R. 36
---Riley Ransom Dowell, et al., M.C.R. 353
---Cora Gatewood, et al., M.C.R. 1098

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

SIGNED. Tams Bixby a/l

ACTING CHAIRMAN.

Commissioner in Charge.

Through the Commissioner of Indian Affairs.
1 enclosure.

COPY.

Muskogee, Indian Territory, March 3, 1902.

Mr. Chester Howe,

Attorney-at-Law,

623 F. Street, N.W., Washington, D. C.

Dear Sir:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Dowell, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Dowell, et al.,	M.C.R. 56
Riley Ransom Dowell, et al.,	M.C.R. 353
Cora Gatewood, et al.,	M.C.R. 1098

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the Act of Congress of June 28, 1898, is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William C. Dowell, Beulah D. Dowell, Willie Dowell, Edmund Dowell, Riley Ransom Dowell,

C. H., 2.

Riley Erwin Dowell, Mable E. Dowell, Cora Gatewood, Wade Gatewood and Lemmie Gatewood, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby.
ACTING CHAIRMAN
Commissioner in Charge.

Registered.

M C R 68

Muskogee, Indian Territory, July 24, 1902.

W. Wade,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you desire to be informed if W. C. Dowell can legally take up land in the Choctaw or Chickasaw Nations.

Replying to your communication you are advised that it appears from our records that on June 14, 1900, William C. Dowell, 47 years of age, of Cliff, Indian Territory, made personal application to this Commission for the identification of himself and his three minor children, Julia, Willie and Edmond Dowell as Mississippi Choctaws.

The Commission on March 3, 1902, after a consideration of the evidence submitted in support of the application of William C. Dowell, et al., to be identified as Mississippi Choctaws, rendered a decision refusing such application. This decision has not at this time been affirmed by the Secretary of the Interior but when final action is taken by him the applicants will be duly notified thereof.

Relative to the rights of these persons to legally hold possession of land in the Choctaw-Chickasaw country, your

W W S

attention is invited to the following provision of the act of Congress of May 31, 1900:

"Any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment."

It is not presumed that the benefits of this legislation in any manner accrue to applicants for identification as Mississippi Choctaws until duly identified as such by the Commission to the Five Civilized Tribes.

The present status of William C. Dowell and his children is that of applicants for identification as Mississippi Choctaws whose rights have not been finally determined and it is not believed that they are at this time in any manner entitled to maintain possessory rights of land in the Choctaw and Chickasaw Nations as citizens of either of these tribes.

Yours truly,

Commissioner in Charge.

COPY.

Muskogee, Indian Territory, March 3, 1902.

Mr. William C. Dowell,

Cliff, Indian Territory.

Dear Sir:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Dowell, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Dowell, et al.,	M.C.R. 36
Riley Ransom Dowell, et al.,	M.C.R. 353
Cora Gatewood, et al.,	M.C.R. 1098

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 28, 1898, is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William C. Dowell, Beulah D. Dowell, Willie Dowell, Edmund Dowell, Riley Ransom Dowell, Riley Ervin Dowell, Mable E. Dowell, Cora Gatewood, Wade Gatewood

W. C. D., 8.

and Lennie Gatewood, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). Tams Bixby
ACTING CHAIRMAN.
Commissioner in Charge.

Registered.

MCR-36

COPY.

Muskogee, Indian Territory, March 3, 1902.

Messrs. Mansfield, McMurrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 3rd day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William C. Dowell, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Dowell, et al.,	M.C.R. 36
Riley Ransom Dowell, et al.,	M.C.R. 353
Cora Gatewood, et al.,	M.C.R. 1098

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 28, 1898, is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William C. Dowell, Beulah D. Dowell, Willie Dowell, Edmund Dowell, Riley Ransom Dowell,

M., M. & C. E.

Riley Ervin Dowell, Mable E. Dowell, Cora Gatewood, Jade Gatewood and Lemmie Gatewood, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has, on this date, forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby
ACTING CHAIRMAN.
Commissioner in Charge.

Registered.

COPY

D. C. No. 6862-1902.

Refer in reply
to the following:
Land
19554-1902.

DEPARTMENT OF THE INTERIOR, CFL

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, April 23, 1902.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

With your letter of March 3, 1902, you forwarded the record in the matter of the application of William C. Dowell, et al, Riley Ransom Dowell, et al, and Cora Gatewood, et al., for identification as Mississippi Choctaws, with an adverse recommendation.

An examination of the testimony and other papers discloses the fact that the parties claim descent from one Vici Dowell, whose maiden name was Vici Redmond.

With the papers is an affidavit made on June 19, 1900, by Charles Smith, who swears that he is a Chickasaw freedman, 84 years old; that he came to the Indian Territory with the Choctaw and Chickasaw tribes; that he knew an old woman by the name of Betsy Beams who had a niece named Vici; that Vici afterwards married a white man named Jim Dowell; that her maiden name was Vici Redmond; that he has since learned that she died, but that he had met

seen her since he came to the Indian Territory; that Vici Redmond was about half blood Choctaw, and that he knew her two sons, Ransom and W. C. Dowell, who were then living in the Indian Territory.

In case No. 285 -- the case of Betsy Beams -- the papers in which are forwarded herewith for your information to be returned when you have finished with them, are certain affidavits showing that Betsy Beams had three children; Vici, over ten years and Amy and Kitty, under ten years of age, on September 27, 1830, and that she resided for five years on the land which she claimed, which land was afterwards conveyed to her by patent under the fourteenth article of the Treaty of Dancing Rabbit Creek.

It is probable that the Vici Beams mentioned in case No. 285, and the Vici Redmond (or Redman) mentioned in the record under consideration, are identical, and in order that you may examine the record made at your office in connection with the papers found in the files of this office, and also that you may direct a further investigation, the papers are returned.

It is respectfully suggested that it may be possible for your force now in Mississippi to secure testimony from old residents of that State showing whether or not the Vici whose name appears in said case No. 285 as the daughter of Betsy Beams,

and the Vici Redmond mentioned in the case under consideration, are identical.

Your attention is also invited to the well-known custom of the Choctaw Indians of considering all children in a family, regardless of affinity by blood, as children of the head of the family.

The office believes that it would be proper to notify the local attorneys for the applicants of this action in order that they may assist the Commission in a further investigation.

Very respectfully,

(Signed) A. C. Tonner

Acting Commissioner.

WCV
D

Inclosures.

COPY

Refer in reply to
the following:
Land
27401-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, May 10, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a communication dated May 5, 1902, from J. O. Pool, Esq., attorney at law representing certain applicants in the consolidated Mississippi Choctaw case of Wm. C. Dowell, et al., forwarding a communication addressed to him by the Commission to the Five Civilized Tribes on April 29, 1902, relative to a further investigation pertaining to the identification of the descendants of Vici Beams (or Vici Redmond).

This consolidated case was forwarded to this office by the Commission on March 3, 1902, and a careful examination of the record in the case was made, and also a careful examination of the records of this office pertaining to those Choctaws who acquire rights under the provisions of the fourteenth article of the treaty of September 27, 1830.

The records of this office show that Betsey Beams,

original case No. 285, had three children, to wit: Vici, over ten years of age, and Amy and Kitty, both under ten years of age on September 27, 1830; that she resided on certain land in Mississippi five years, andthat said land was afterwards conveyed to her by patent under the provisions of the fourteenth article of the treaty of September 27, 1830.

April 23, 1902, the case was, in accordance with instructions contained in Department letter of February 28, 1902 (ITD-1343) returned to the Commission with information relative to what the records of this office show, and the Commission was requested to determine if possible whether the Vici whose name appears in said case No. 285, as the daughter of said Betsey Beams, and the Vici Redmond mentioned in said consolidated case, were identical. The return of this case was also made in accordance with the verbal understanding between the Acting Chairman of the Commission and this office.

A copy of said office letter of April 23, is inclosed herewith.

The Commission in its communication to Mr. Pool notifying him of the action of this office, states that

"For the purpose of the investigation recommended by the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes will at its office in Muskogee, Indian Territory, on May 19, 1902, hear such testimony of witnesses in person as you may present on behalf of the

applicants herein, relative to their descent from the aforesaid Viol Beams. Only the personal testimony of witnesses will be accepted in this matter and no written testimony will be considered except in the nature of deeds, patents to lands, or copies of other official records of the United States government."

Mr. Pool states that it is almost impossible on account of the poverty of the applicants for them to again appear before the Commission; that the applicants lived 200 miles from Muskogee; that they are illiterate and "as poor as it is possible for people to be and not starve to death;" that they have appeared before the Commission three times; that the witnesses are old Indians and cannot be persuaded to again appear before the Commission; that "the many threats made by the Nation's representatives against all Indians who testify or tell what they know about the applicants ancestors" frightened such witnesses, and they are afraid to again appear before the Commission and testify. Mr. Pool concludes his communication with a request for an order restraining the requirements of the Commission as shown by itscommunication, and that the Commission be directed to receive from the applicants, depositions, affidavits, etc.

The Commission has been repeatedly instructed by the Department to accept affidavits, depositions, or other properly authenticated papers, tendered by any applicant for identification

as a Mississippi Choctaw.

The Act of Congress approved June 28, 1898 declares that

> "The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall wilfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense."

These applicants have a right under the law and under Departmental instructions to file depositions, affidavits or other papers tending to establish their right to identification as Mississippi Choctaws entitled to share in the Choctaw lands under the provisions of the fourteenth article of said treaty, and it seems to this office that the action of the Commission in requiring these parties to appear before them in person with their witnesses, after they have already appeared before said Commission on three separate occasions, is imposing upon them a hardship unwarranted by the law or regulations.

It is therefore respectfully recommended that the Commission be instructed to advise Mr. Pool, the attorney for said applicants, that any properly authenticated paper, depositions, affidavit, or otherwise, which tends to establish the right of

these parties or has a tendency to clear the obscurity of the record, will be accepted, filed and considered as part of said case.

The case is set by the Commission for hearing on May 19, 1902. If the recommendation of this office is approved, it is thought that the time in which said parties shall be privileged to file such papers should be extended up to and including May 31, 1902, and that the Commission should be instructed to re-examine said case taking into consideration any additional papers or affidavits that may be filed, and forward the same to the Department throughthis office at the earliest practicable date.

Very respectfully,

Your obedient servant,

A.C.TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

COPY

D. C. No. 8099-1902.

28619

J.P.
F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

I.T.D.3046-1902. May 12, 1902.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

On April 23, 1902, the Indian Office returned you the papers in the case of William C. Dowell et al., applicants for identification as Mississippi Choctaws, and it appears you notified J. O. Pool, Nocona, Texas, representing certain applicants that -

"For the purpose of the investigation recommended by the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes will at its office in Muskogee, Indian Territory, on May 19, 1902, hear such testimony of witnesses in person as you may present on behalf of the applicants herein, relative to their descent from the aforesaid Vici Beams. Only the personal testimony of witnesses will be accepted in this matter and no written testimony will be considered except in the nature of deeds, patents to lands, or copies of other official records of the United States government."

On May 10, 1902, the Acting Commissioner of Indian Affairs forwarded to the Department a communication from Mr. Pool, in which he states that it is almost impossible for the claimants

to comply with the requirements made by you on account of their poverty and that of their witnesses, and the long distance to travel from their homes to Muskogee, and he requests that the parties be given the right to file affidavits, depositions, etc.

The Acting Commissioner quoting from the provisions of the act of June 28, 1898 (30 Stat., 495), as follows:

"The members of said commission shall, in performing all duties required of them by law, have authority to administer oaths, examine witnesses, and send for persons and papers; and any person who shall wilfully and knowingly make any false affidavit or oath to any material fact or matter before any member of said commission, or before any other officer authorized to administer oaths, to any affidavit or other paper to be filed or oath taken before said commission, shall be deemed guilty of perjury, and on conviction thereof shall be punished as for such offense,"

states that the action of the Commission in requiring these parties to appear before them in person with their witnesses after they have already appeared before the Commission on three separate occasions, is imposing upon them a hardshep unwarranted by the law or the regulations, and he recommends that you be instructed to advise Mr. Pool that any properly authenticated papers which will tend to establish the rights of these claimants will be accepted, and that the claimants will be given until May 31, 1902, to furnish such evidence.

The Department considers the request of the claimants' attorney reasonable, and that there is nothing in the law or the regulations, under the circumstances in this case, which

demands that the parties should again present themselves and witnesses before the Commission, and concurs in the recommendations of the Indian Office, and you are requested, therefore, to advise Mr. Pool accordingly and that he will have until June 1, 1902, within which to file such evidence as he may desire. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

EMD

1 inclosure.

M C R 36

Muskogee, Indian Territory, June 16, 1902.

The Honorable

The Secretary of the Interior.

Sir:

The Commission to the Five Civilized Tribes transmits herewith the record heretofore forwarded the Department, March 3, 1902, in the matter of the application of William C. Dowell, et al., embracing the following applications for identification as Mississippi Choctaws:

William C. Dowell, et al.,	M C R 36
Riley Ransom Dowell, et al.,	M C R 353
Cora Gatewood, et al.,	M C R 1098

together with the additional proceedures had in this case upon the recommendations of the Acting Commissioner of Indian Affairs.

With his letter of April 23, 1902, (Land 19554-1902) the Acting Commissioner of Indian Affairs returned said record for the purpose of a further investigation relative to the rights, if any, the applicants in this case might have as the descendants of one, Vici Beams, a beneficiary under the fourteenth article of the Choctaw treaty of 1830.

The Acting Commissioner of Indian Affairs in returning the record in this case also forwarded for the consideration of the Commission, the record in case No. 286, the case of Betsy Beams, containing certain affidavits showing that Betsy Beams had three children, Vici, over ten years of age and Amy and Kitty under 10 years of age on September 27, 1830, and that she resided for five years on the land which she claimed, which land was afterwards conveyed to her under the fourteenth article of the treaty of Dancing Rabbit Creek.

The Acting Commissioner of Indian Affairs on April 23, 1902, invites the attention of the Commission to an affidavit filed in support of the application of William C. Dowell and made by one, Charles Smith, under date of June 19, 1900, who alleges that he is a Chickasaw freedman, 84 years of age; that he came to the Indian Territory with the Choctaw and Chickasaw tribes; that he knew an old woman named Betsy Beams who had a niece named Vici; that her maiden name was Vici Redmond; that Vici afterwards married a white man named Jim Dowell; that he has since learned that she died but that he has not seen her since he came to the Indian Territory; that Vici Redmond was about half-blood Choctaw and that he knew her two sons, Ransom and W. C. Dowell, who at the time of making his affidavit were living in the Indian Territory.

The Acting Commissioner of Indian Affairs in concluding, states:

> "It is probable that the Vici Beams mentioned in case No. 886, and the Vici Redmond (or Redman) mentioned in the record under consideration, are identical, and in order that you may examine the record made at your office in connection with the papers found in the files of this office, and also that you may direct a further investigation, the papers are returned."

Due notice having been given all parties in interest, the Commission accordingly at its office at Muskogee, Indian Territory, on May 19, 1902, called for further consideration, the consolidated Mississippi Choctaw case of William C. Dowell, et al., and at that time J. O. Pool, the attorney representing all of the applicants, requested a continuance in the case until May 20, 1902. This was granted and on the latter date William C. Dowell, the principal applicant, personally appeared before the Commission and further testified relative to the right to identification as Mississippi Choctaws of the several applicants, his attorney being present.

On the same date the Commission received a communication from the Acting Secretary of the Interior, under date of May 12, 1902, (I. T. D. 3046-1902) concurring in the recommendation of the Acting Commissioner of Indian Affairs, "that the Commission be instructed to advise Mr. Pool, the attorney for

said applicants, that any properly authenticated paper, deposition, affidavit, or otherwise, which tends to establish the right of these parties or has a tendency to clear the obscurity of the record, will be accepted, filed and considered as part of said case", and further instructing the Commission to advise Mr. Pool that he would be allowed until June 1, 1902 to file such evidence as he might desire.

In accordance with such instructions the Commission on May 20, 1902, advised the principal applicants, J. O. Pool, their attorney of record, and Messrs Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, that:

> "The parties in interest in the consolidated Mississippi Choctaw case of William C. Dewell, et al. will be permitted until June 1st, 1902, within which to file such evidence as they may desire in support of their applications for identification as Mississippi Choctaws."

In acknowledging receipt of Departmental communication of May 12, 1902, (I. T. D. 3046-1902) in a communication of May 23, 1902, the Commission advised the Department that it had delegated one of its representatives to procure the personal testimony of Charles Smith relative to the allegations in his affidavit of June 19, 1900 and that such investigation would with the other record in this case be forwarded to the Department as

early as practicable after June 1, 1902.

By reference to the affidavit of Charles Smith of June 19, 1900, it will be observed that Smith Alleges that he knew a woman named Betsy Beams, who had a niece named Vici and that said Vici married a white man named Jim Dowell and that her maiden name was Vici Redmond and that she had two sons, Ransom and W. C. Dowell, both of whom were known to the affiant as the sons of Vici Redmond.

In conflict with the allegations set forth in the affidavit of June 19, 1900, this man personally testified on May 21, 1902, at Colbert, Indian Territory, that the Vici Beams he knew was married to Bob Hancock and does not know that she ever married a man named Jim Dowell. Smith further testifies that he never knew a man named Jim Dowell and also that he was never acquainted with any person by the name of Ransom Dowell and does not know the name of the mother of either Ransom or William C. Dowell. He further testifies that he was not aware of all the facts alleged in his affidavit of June 19, 1900, at the time of the making of said affidavit but that he signed and swore to the same without being first fully advised of the contents thereof.

After a most thorough consideration of all the evidence submitted in support of this application, the Commission is of the opinion that Vici, the child over ten years of age on September 27, 1830, mentioned in case No. 285 as the daughter of Betsy Beams, could not have been the mother of the applicant in chief herein, William C. Dowell, and as all of the applicants in this consolidated case claim their right to identification as Mississippi Choctaws as the decsnedants of the said Vici Beams, the Commission does not believe that they are entitled to such recognition and has therefore most respectfully to recommend that its decision of March 3, 1903, refusing the application of William C. Dowell, Beulah D. Dowell, Willie Dowell, Edmund Dowell, Riley Rannom Dowell, Riley Ervin Dowell, Mable E. Dowell, Cora Gatewood, Wade Gatewood and Lennie Gatewood, for identification as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of the twenty-first section of the act of Congress of June 28, 1898, be affirmed.

In this connection the Commission desires to call the attention of the Department to a communication of the Commissioner of Indian Affairs of October 21, 1895, (Land 36689-1895) addressed to C. A. Deak, Esq., at Ardmore, Indian Territory,

which has been filed for record in the matter of the application of Alexander V. Doak for identification as a Mississippi Choctaw, and a copy of which has been appended to the record in the case under consideration.

In the report of the Commissioner of Indian Affairs referred to, the following language is used:

> "and in the bill filed by the attorney in behalf of the complainants, it was represented that Charles Land, prior to his decease, had purchased the claim of an Indian woman known as Betsy Beams, to a section of land on which it was alleged she resided at the date of the aforesaid treaty, under the 14th article of which she was entitled to the same as a Choctaw head of a family."

And further:

> "The complainants and respondents in said suit are relatives and the material witnesses upon which the complainants rely for proof pertaining to the alleged settlement of Betsey Beams upon the aforesaid section 21 are her sons-in-law and relations, whose testimony is contradictory of the evidence presented to this office in 1834 by the Honorable F. E. Plummer, the attorney for said Betsey Beams, by which it was then claimed that she resided on and was entitled to section 16 T. 16, R. 1 W."

As the report of the Commissioner of Indian Affairs of October 21, 1895, referred to, would seem to indicate the denial of any rights of the Betsey Beams mentioned therein as a beneficiary under the provisions of the fourteenth article of the Choctaw treaty of 1830, the Commission believes it possible that an investigation of the case referred to in the said report may

Secreyary 6

possibly show who were the sons-in-law of Betset Beams referred to therein and permits of the possibility of the applicants in the consolidated Mississippi Choctaw case of William C. Dewell, et al., being the descendants of the Betsey Beams referred to in the communication of the Commissioner of Indian Affairs of October 21, 1895.

Respectfully,

Acting Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

Enclosures Y 19, Y 20 and Y 21

D. C. 19884. 1902.

C O P Y.

63023

J.P.

DEPARTMENT OF THE INTERIOR.

I.T.D.6076-1902. WASHINGTON. W.H.R.
L.R. S.

October 22, 1902.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

The Department has considered the Mississippi Choctaw consolidated case of William C. Dowell, Beulah D. Dowell, Willie Dowell, Edmund Dowell, Riley Ransom Dowell, Riley Ervin Dowell, Mable E. Dowell, Cora Gatewood, Wade Gatewood, and Lemmie Gatewood, M. C. R. 36.

On March 3, 1902, you rendered a decision in this case adverse to the applicants and transmitted the papers to the Department.

On April 23, 1902, the Indian Office directed a further hearing as to the alleged ancestor Vicey (or Vici) Redmond (or Redman), through whom all the applicants claim, alleged to be the niece or daughter of Betsy Beams.

Further testimony having been submitted, on June 16, 1902, you returned the case and recommended that your decision of March 3, 1902, be affirmed.

You having called attention to Indian Office letter of October 21, 1895, addressed to C. A. Bock, in which the question of the claim

of Betsy Beams as a 14th Article, Treaty of 1830, Choctaw is discussed, and from which it appeared that in the case mentioned the complainant relied in part upon the testimony of the sons-in-law of Betsy Beams, the Acting Commissioner of Indian Affairs states that it is alleged in the transcript of the proceedings in said case, that Betsy Beams (Istanchi was at the date of the Treaty of 1830, the head of a Choctaw family, having then residing with her one child over two years of age named Anne, since intermarried with Thomas Sims; that the evidence in said case sustains this claim and that therefore there is nothing in such evidence to sustain the claim of the present applicants; that the records of the Indian Office show that there were two Betsy Beams', the one who is mentioned living in the State of Mississippi with one child named Anne, and the other who lived in Alabama and had three children, viz: Vicey, Amy and Kitty; that this Betsy Beams received a patent in 1846 for land in Alabama, for herself and her three children, as beneficiaries of the 14th Article of the Treaty of 1830; that apparently Vicey, one of the children for whose benefit the patent was issued, is the only Vicey that could have been the mother of the principal applicant herein, and at the same time bestowed the right of identification as 14th Article Mississippi Choctaws on her descendants; that there are a number of affidavits and a large amount of correspondence relative to the claim of said Vicey's mother, in the Indian Office, but there is nothing showing who Vicey married, although it is shown that

all of Betsy's children were married in 1846;, that there is nothing in any of the papers as to Vicey Redmond (or Redman), nor is there any evidence showing that Vicey was other than a child of Betsy Beams.

Calling attention to the unreliability of the testimony of Charles Smith and William C. Dowell, the Acting Commissioner expresses the opinion that the applicants have failed entirely to show themselves entitled to identification, and he recommends that your decision be approved.

The Department finds no reason to disturb your decision and it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(signed) E. A. Hitchcock,

Secretary.

EMD.

1 Inclosure.

C o p y.

DEPARTMENT OF THE INTERIOR.

Land.
40014-1902.

Office of Indian Affairs.

Washington, October 3, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the consolidated Mississippi Choctaw case of William C. Dowell, et al.

The following cases are consolidated therein:

William C. Dowell, et al.

Riley Ransom Dowell, et al.,

Cora Gatewood, et al.

The record shows that a hearing was originally had on June 14, 1900, before the Commission on the application of William C. Dowell for the identification of himself and children as Mississippi Choctaws and that on September 7, 1900, the Commission rejected said application; that on June 19, 1900, the application of Riley Ransom Dowell for the identification of himself and minor children was heard by the Commission and on February 28, 1901, said application was refused by the commission; that on December 10, 1900, the application of the said Cora Gatewood for the identification of herself and her two minor children was heard by the commission upon which no action was taken by the commission until November 27, 1901, when the com-

mission consolidated all of said applications and in accordance with the instructions of the office did on January 9, 1902, take additional testimony in said consolidated cases and on March 3, 1902, rendered a decision holding that the evidence was insufficient to determine the identity of any of the applicants and ordered that their applications be refused.

On April 23, 1902, the office again notified the commission that a further examination as to the alleged ancestor, Vici Redmond, (or Redman), being the niece or daughter of Betsy Beams was desirable and the commission thereupon gave notice to the applicants that further evidence would be received and on May 20, and 21, 1902, a further hearing was had and on June 16, 1902, the commission again rendered an opinion in said consolidated case and held that its decision of March 3, 1902, rejecting the applications of the applicants should be affirmed.

The Commission in its said decision of March 3, 1902, calls attention to office letter of October 21, 1895, (Land 36889-1895) addressed to C. A. Doak, Esq., at Ardmore, Indian Territory, a copy of which is filed with the record. The question of the claim of Betsy Beams as a 14th article Choctaw is discussed in said letter and the case of Sarah Land, et al., heirs of Charles Land vs. Margaret Land, et al., heirs of Thomas Land, tried in Chancery in the Supreme Court of Mississippi on January 16, 1844, is cited as involving land formerly granted to Betsy Beams as a 14th article Choctaw Indian. It is further stated

therein that the complainant relied upon the testimony of the sons-in-law and relations of Betsy Beams to establish their claim.

The Commission suggests that this evidence might be valuable in determining the claim of the applicants in this case. The office has made search for and found the transcript of the proceedings had in said case and it is alleged therein that:

"Your orators state that said Istanchi (or Betsy Beams) was at the "date of said treaty the head of a Choctaw family having then residing "with her one child over ten years of age named Anne at that time un-"married but since intermarried with said defendant, Thomas Sims, who "are now (March 11, 1842), living together as man and wife."

The evidence in said transcript sustains this claim and it follows that there is nothing in said evidence to sustain the claim of the applicants herein.

The office records show that there were two Betsy Beams, one living at Honey Island in the State of Mississippi and also known as Istanchi who had one child named Anne.

The other Betsy Beams lived in Tuscaloosa District, State of Alabama, and had three children, viz: Vicey, Amy and Kitty. This Betsy Beams after much contention received land for herself and her three children under the following recommendation of the Commissioner of Indian Affairs, approved by the Secretary of War:

"Department of War,

" Office of Indian Affairs,

"Hon. W. L. Marcy, 2nd. October, 1846.

" Secretary of War.

"Sir:

" In the examination under the joint resolution of Congress approved "August 3d, 1846, of certain Choctaw claim under 14 article of the treaty "of 1830, it is found that two cases can be confirmed for land, the gov- "ernment not having disposed of the sections on which the Indians resided "at the date of the treaty, and there being a sufficient quantity adjoin- "ing to give to the children of the two respective claimants, viz:

" Nos. 284 & 285 - Betsey Beams for herself, section 19, township "24, range 3 west, Tuscaloosa District.

" Vicey, a child over 10 years, W 1/2 - 18 - township 24, range "2 west, Tuscaloosa District. . . . . .

"I recommend therefore that the allotment above indicated be approved, "and that patents therefor be issued and sent to Major Armstrong for "delivery to the respective claimants.

" Very respectfully,
Your Ob't serv't,
" W. Medill.

" I approve the recommendation of the Commissioner of Indian Affairs.

" W. L. Marcy,

"War Department, Secretary of War.

" 3d October, 1846. "

Afterwards, on November 23, 1846, a patent was issued to the said Betsey Beams and her three children for the following "the tracts being situated in the Southern Survey, in the district of lands subject to sale at Tuscaloosa, Alabama, viz: Section 19, which contains six hundred and thirty eight acres and twenty-eight hundredths of an acre as the reserve of Betsey Beems, the west half of section 18 containing three hundred and nineteen acres and sixteen hundredths of an acre as the reserve of her child 'Vicey' over 10 years . . . . all in T.24 N.R. 2 W".

Said patent is recorded in volume 1, page 149 of records of patents.

This is the only "Vicey" that could have been the mother of the applicants herein, so far as the records of the office show, and at the same time bestow the right of identification as 14th article Mississippi Choctaws on her descendants.

There was much contention over the claim of Vicey's mother and it was not until 1846 that she received a patent for her land. There are a number of affidavits and a large amount of correspondence relative to her claim in the office which has been examined, but there is nothing showing who Vicey married although it is shown that all of Betsey's children were married in 1846.

There is nothing in any of these papers as to Vicey Redmond (or Redman) nor is there any evidence showing that Vicey was other than a child of Betsey Beems.

It is claimed in the record evidence that Vicey Redmond has been dead but a few years. It is also claimed that she lived in Mississippi and nothing is said about her ever having resided in Alabama. It occurs to the office that William C. Dowell or Riley Ransom Dowell ought to know more of their mother's history than they give in their testimony, if she died so recently.

If Vicey, daughter of Betsey Beams, was their mother, then they ought to know that she had 320 acres patented to her in 1846 in the State of Alabama, but the record evidence is silent upon this important point, although the case has been submitted for hearing three times.

The record evidence is very conflicting. The oral examination of the Witness, Chas. Smith, shows the unreliability of his testimony.

The testimony of William C. Dowell given on May 20, 1902, makes his testimony unworthy of belief, and in the opinion of the office the applicants have entirely failed to make out their case. It therefore recommends that the decision of the Commission refusing their identification as Mississippi Choctaws be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. Tonner,

(W.C.B.) Acting Commissioner.

P.

M. C. R. 36

COPY.

Muskogee, Indian Territory, November 5, 1902.

Chester Howe,

Attorney at Law,

623 F. street, N. W.,

Washington, D. C.

Dear Sir:

You are hereby advised that on the 22d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Dowell, et al., of which decision you were advised by registered mail on the 3d day of March, 1902.

Respectfully,

Tams Bixby.
Acting Chairman.

COPY

M. C. R. 36

Muskogee, Indian Territory, November 5, 1902.

J. O. Peel,

Attorney at Law,

Nocona, Texas.

Dear Sir:

You are hereby advised that on the 22d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Dowell, et al., of which decision you were advised by registered mail on the 3d day of March, 1902.

Respectfully,

Tams Bixby.

Acting Chairman.

COPY

M. C. R. 36

Muskogee, Indian Territory, November 5, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 22d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Dowell, et al., of which decision you were advised by mail on the 3d day of March, 1902.

Respectfully,

Tams Bixby

Acting Chairman.

COPY. M. C. R. 36

Muskogee, Indian Territory, November 6, 1902.

William C. Dowell,

Cliff, Indian Territory.

Dear Sir:

You are hereby advised that on the 22d day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William C. Dowell, et al., of which decision you were advised by registered mail on the 3d day of March, 1902.

Respectfully,

SIGNED

Tams Bixby.

Acting Chairman.

M C R 36

Muskogee, Indian Territory, October 30, 1903.

William C. Dowell,

Cliff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, by reference from the Secretary of the Interior. Therein you ask to be advised the status of your application for identification as a Mississippi Choctaw.

In reply you are informed that it appears from our records that on October 22, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on November 5, 1902, at Cliff, Indian Territory.

The Commission now considers your case closed.

Respectfully,

Commissioner in Charge.

M C R 36

Muskogee, Indian Territory, November 9, 1904.

William C. Dowell,

Cliff, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ultimo, by reference from the Secretary of the Interior. Therein you ask that the Blue River Company be prohibited from filing other Indians on land upon which you have improvements.

Relative to your right to legally hold possession of land in the Choctaw-Chickasaw country, Indian Territory, you are informed that as your application for identification as a Mississippi Choctaw was refused by this Commission on March 3, 1902, and that action approved by the Secretary of the Interior on October 22, 1902, it is not believed that you are in any manner entitled to maintain possessory rights of land in the Choctaw or Chickasaw Nation as a citizen of either of these tribes.

Respectfully,

Chairman.

M C R 36

Muskogee, Indian Territory, December 3, 1904.

William C. Dowell,

Madill, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th ultimo, by reference from the Secretary of the Interior. Therein you ask if the name of your mother, Vicie Redman, is on the old Mississippi Choctaw roll, and if you will be allowed a rehearing in your case.

In reply to your letter you are informed that the records of the Choctaw Nation in the possession of the Commission have been carefully examined and the name of Vicie Redman is not found thereon.

Rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not suffi-

cient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicant's ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Chairman.

R. #06.

Evidence

"Beulah" D. Dowell
"Edmund" " "

Judgmt:

"Julia" Dowell
"Edward" "

R. MANGELSDORF.

William C Dowell et al

vs.

Choctaw Nation

Miss. Choc. Case No. P 36

Original testimony and all papers filed in this case forwarded Secretary of Interior.

Dec. 3rd 1900

RECEIVED
JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name William C. Dowell (17) Cliff, I.T.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/4) Mother's citizenship Choc. (1/2)

Intermarried citizen? .....

Married under what law? (N.S)

License filed this day .....

Wife's name, Zelda Dowell (no)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
16 Julia Beulah 10	County	Year	Page	No.
12 Willie	County	Year	Page	No.
4 Edmond	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW.

Jim Dowell, (father) Dead.
Vicey Dowell, (mother).

CERTIFICATION AS
A MISSISSIPPI CHOCTAW.

R.# 36

REFUSED.

William C. Dowell et al

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
SEP 7 1900

ACTING CHAIRMAN.

	Ind. Terr. 61	1900
	Incl. No.	

REFER TO M. C. R.

Choc MCR 37 Charlie Zumwalt

See MCR 5002

See Choctaw card R. 431

MCR 37

MISS.-CHOCTAW R? 87

ENROLLMENT

Charlie Zumwalt

REFUSED

Decision Rendered Oct 21 1902.

Notice of Decision Mailed Applicant. Oct 21 1902.

Notice of Decision Forwarded Attorney For Applicants. Oct 21 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. Oct 21 1902.

Record Forwarded Department. Nov 6 1902.

Action Approved By Secretary of Interior. May 24 1904.

Notice of Departmental Action Mailed Applicant. Jun 20 1904.

Notice of Departmental Action Forwarded Attorney for Applicant. Jun 20 1904.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Jun 20 1904.

Refer To M.C.R. 5002.

See Choctaw Card. R. 421.

R 87

Mc-R 29

Department of the Interior,
Commission to the Five Civilized Tribes,
Calhoun, I.T., June 14, 1900.

In the matter of the application of Charlie Kunwalt for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Dixby, he testified as follows:

Q - What is your name? A - Charlie Kunwalt.
Q - How old are you? A - 26 years old.
Q - Where do you live? A - Alma, I.T.
Q - How long have you live there? A - 2 years.
Q - Where did you live before that? A - Montag County, Texas.
Q - How long had you lived in Texas? A - I came there when I was small.
Q - Where did you come from? A - From the Choctaw Nation.
Q - Where were you born? A - In the Choctaw Nation.
Q - You were born in the Choctaw Nation but you lived most of your life in Texas? A - Yes, sir.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - Frank Kunwalt.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A - No, sir, he is a white man.
Q - What is the name of your mother? A - Armanda Whitney.
Q - That was her name before she was married? A - Yes, sir; she is dead now.
Q - Was she a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood did she claim to have?
A - 1/4.
Q - Was her name ever on the Choctaw Tribal rolls? A - No, sir
Q - Was she ever recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - I claim 1/8.
Q - Has your name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - Well, to the Dawes Commission.
Q - Did you apply to the Tribal authorities; we are not the Tribal authorities? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - Did your father ever apply for you? Ab- No, sir, I don't know whether he did.
Q - You stated that you thought you didn't apply to the Dawes Commission in 1896? A - No, sir.
Q - Yourfather didn't apply for you? A - No, sir, nobody did.
Q - Is this your first application you have ever made?
A - No, sir.
Q - When did you ever appear before this time? A - At Atoka last August.
Q - What month was it that you arrived in the Territory the last time? A - In August, 1898.
Q - You claim to be a Mississippi Choctaw, do you?
A - A descendant of a Mississippi Choctaw.
Q - Under what treaty do you claim? A - Under the Treaties of 1830 and 1866.
Q - Do you claim under all the provisions of these treaties?
A - Yes, sir.
Q - You don't base your claim exclusively on the 14th article of the Treaty of 1830? A - No, sir, I don't know that I do.
Q - Did you ever take advantage of the provisions of this article? A - No, sir.
Q - Do you know whether any of your ancestors ever claimed or received, or did you ever claim or receive any land as beneficiaries

Charlie Tunnalt - R.

under the provisions of the 14th article of the Treaty of 1830?

A - I never did, and I don't remember whether my ancestors did or not.

Q - Are you married? A - Yes, sir.

Q - Are you making any claim on behalf of your wife? A - No.

Q - Have you any children? A - No, sir.

Q - Is there any additional statement you would like to make at this time in regard to your case? A - No, sir, not that I know of.

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw. You will be furnished later on through the mails with a copy of the decision of the Commission, refusing to identify you as a Mississippi Choctaw.

The testimony in this case and any papers which you may be pleased to file with this Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 27 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Charles Zumwalt for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Charles Zumwalt.

Q How old are you? A Nineteen.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the Choctaw rolls? A No sir.

Q When did you come to the Territory? A About one years ago.

Q Where from? A From Texas.

Q What month did you come here in? A The last of August.

Q You never lived here before? A Yes sir, I have lived here off and on all my life.

Q When were you here before? A I staid here three years ago all the year.

Q Besides that you have lived in Texas all your life? A Yes sir.

Q You were born and raised in Texas? A No sir, I was born in the Choctaw Nation and raised in Texas.

Com'r McKennon: Enrollment is refused.

Department of the I...

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

M.C.R.37

Muskogee, Indian Territory, October 21,1902.

Charlie Zumwalt,

Alma, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of October 1902 the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lou E. Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

Lou E. Smith, et al.,	M.C.R.5002
Charlie Zumwalt,	M.C.R. 37
Addie Hedrick, et al.,	M.C.R.5003
Lucy Ellen Weyer, et al.,	M.C.R.5005
Maggie L. Ashby, et al.,	M.C.R.5938
Dora J. Whitney,	M.C.R.5939

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity

Zora N. Smith, Charlie T. Smith, Dora F. Smith, Georgia E. Smith, William H. Smith, Lizzie Ethel Smith, Charlie Roosevelt, Addie Hedrick, Mary Francis Hedrick, Joe Brown Hedrick, Rudford Lee Hedrick, Lucy Nilen Weaver, Grenfill Otto Weaver, Maggie L. Ashby, Mannie M. Ashby and Dora J. Whitney as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby,

Acting Chairman.

Registered.

COPY. M.C.R. 37

Muskogee, Indian Territory, June 20, 1904.

Charlie Zumwalt,

Alma, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior, on May 24, 1904, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lou E. Smith et al., of which decision you were advised by registered mail on the 21st day of October, 1902.

Respectfully,

(SIGNED)

Tams Bixby,

Chairman.

No 434

Note.

Affidavits covering this case in file of

Lou E. Smith

vs.

Cherokee Nation No. 430.

REFUSED

MEMORANDA.

(Date) June 14 1900.

Name Charley Zummwalt. (2p) Alma, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/8) Mother's citizenship (N.S.) (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personally appeared before me this June 14, 1900. Clerk

Frank Zummwalt, (father)

Amanda Zummwalt, (mother) Dead

Choc McR 38 William L. Harper

See McR 39

McR 38

R 88

MISS.-CHOCTAW

ENROLLMENT

William L. Harper, et. al.

Decision Rendered May 13 1902.

Notice of Decision Mailed Applicant. May 24 1902.

Notice of Decision Forwarded Attorney For Applicants. May 24 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. May 24 1902.

Record Forwarded Department. May 24 1902.

Remanded By The Secretary Of The Interior For Further Hearing Jun 6 1902.

Record Forwarded Department Apr 27 1903.

Action Approved By Secretary Of Interior. Jun 30 1905

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. July 15 1905.

Notice of Departmental Action Forwarded Attorney For Applicant July 15 1905.

Notice of Departmental Action Mailed Applicant July 15 1905.

Refer To M.C.R. 59.

R 88

Department of the Interior,
Commission to the Five Civilized Tribes,
Calbert, I. T., [illegible] 1900.

In the matter of the application of William T. Harper for identification as a Mississippi Choctaw, being sworn and examined by Acting Chairman Dixby he testified as follows:

Q What is your name? A William T. Harper.
Q What is your age? A Forty-six.
Q What is your post-office address? A Orr, I.T.
Q How long have you lived at Orr? A Four years.
Q Have you lived continuously at Orr for the past four years?
A Yes sir.
Q Where did you live before moving to Orr? A In Texas, a while and in the Territory, first one side and the other.
Q How many years have you lived in Texas in your life? A Off and on I was quite a boy.
Q Where were you born? A In Mississippi.
Q How long did you live in Mississippi before moving to Texas?
A Not long, I was born there and staid there until I was I think six or eight yearsold.
Q What is the name of your father? A Robert B. Harper.
Q Ishe living? A No sir, he is dead.
Q Was he a Choctaw Indian or a white man? A White man.
Q What is the nameof your mother? A Martha J. McCrary.
Q Is she living? A No sir, she is dead.
Q Is she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does she claim to have?
A Quarter.
Q Was her name ever on the Choctaw rolls? A No sir.
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A Not that I know of.
Q What proportion of Choctaw blood do you claim to have?
A One-eighth.
Q Has your name ever appeared upon the Choctaw Tribal rolls?
A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896 for enrollment as a Choctaw Indian? A [illegible]
Q This year first applied? A Yes sir.
Q You claim to be a Mississippi Choctaw? A Yes sir.
Q Under what treaty do you claim? A 1830 and 1866.
Q Do you know anything about these treaties? A [illegible]
Q You do not [illegible] of these treaties? A No sir.
Q Did you ever [illegible] the advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land under the provisions of the 14th article of the Treaty of [illegible]
A No sir, not that I know of.
Q You know that you didn't? A Yes sir.
Q But as to your ancestors you don't know? A No sir.
Q Are you married? A Yes sir.
Q Making any claim in behalf of your wife? A No sir.
Q Have you any children under twenty-one? A Yes sir.
Q What is your wife's name? Ophelia Miller was her maiden name.
Q Is she living? A No sir.
Q Was she a white woman? A Yes sir.
Q Did you marry her under Choctaw law? A No sir.

William T. Harper #2

Q When did you marry her? A In 1888.
Q Where? A In Texas.
Q Have you your marriage license and certificate? A No sir.
Q Are you children living with you? A Yessir
Q Their residence and post-office address the same as yours?
A Yes sir.
Q Have they always lived with you? A Yes sir.
Q What are their names and ages? A Henry, eighteen; Mary, fifteen, Lona, twelve, Myrtle, ten; Beulah, seven; Irene, four.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
Q Have you any papers that you would like to file? A Yessir I have some papers, and I will have more that I would like to file.
(Papers offered and placed on file.)

The Commission is unable from the testimony in your case to identify either you or your children as Mississippi Choctaws. You will be furnished with a copy of the decision of this Commission in refusing to identify you and your children as Mississippi Choctaws later on, through the mails.

This testimony in this case and any papers that you may desire to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizensof the Choctaw Nation are sent to him for final approval.

M.D.Green, being first duly sworn, states that a stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case and that the above and foregoingis a full true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 3 day of June 1900.

Acting Chairman.

Muskogee, Indian Territory, November 19, 1901.

M. P. Harper,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13th in which you enclose the following papers:

The affidavits of A. Tennie Martin and I. P. Martin, which you offer for filing in support of the applications for identification as Mississippi Choctaws of William T. Harper, et al., John L. Harper, et al., and Mary F. Cledfelter, et al; the affidavit of A. Tennie Martin offered for filing in support of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., and the affidavit of M. C. Benson, offered for filing in support of the application for identification as Mississippi Choctaws of Annie N. Stanphill, et al.

Yours truly,

Acting Chairman.

M.C.38.
M.C.39.
M.C.45.
M.C.4040.
M.C.4126.

COPY.

M C R 58.

Muskogee, Indian Territory, May 24, 1902.

William T. Harper,

Orr, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter P. Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter P. Harper, et al.,	M C R	39
William T. Harper, et al.,	M C R	38
John L. Harper, et al.,	M C R	40
Mary F. Gledfelter, et al.,	M C R	4105

Said decision after a review of the evidence sub itted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Walter

COPY

F. Harper, Hortie Harper, William F. Harper, Henry Harper, Mary Harper, Lena Harper, Myrtle Harper, Beulah Harper, Irene Harper, John L. Harper, Jessie L. Harper, Mary F. Clodfelter, Minnie Clodfelter, Mattie Clodfelter, Robe Clodfelter, Hattie Clodfelter, Willie Clodfelter, Jesse Clodfelter and Birdie Clodfelter, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Walter F. Harper for the identification of his wife, Florence F. Harper, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 20, 1902.

William T. Harper,

Orr, Indian Territory.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Colbert, Indian Territory on June 14, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and six minor children claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on Monday, March 3, 1902, at nine o'clock A. M. there will be heard the tes-

W. T. H. 2.

timony of such witnesses as present themselves in person in support of your application.

Yours truly,

K. G. 38.

Commissioner in Charge.

M C R 38

Muskogee, Indian Territory, March 26, 1903.

Mrs. R. P. Burhans,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 14th instant, in which you ask to be advised if the name of one Thomas Harper is "enrolled on the citizenship list for either the Choctaw or Chickasaws"; that you are interested on account of his having four years ago brought to Texas four of his minor children named Leona, Myrtle, Beulah and Irene, and has since deserted them.

In reply to your letter you are informed that it appears from the records of the Commission that William T. Harper, forty years of age, residence Orr, Indian Territory, on June 14, 1900, submitted his application for the identification of himself and his minor children Henry, age 18; Mary, age 15; Lona, age 12; Myrtle, age 10; Beulah, age 7; and Irene, age 4, as Mississippi Choctaws.

The Commission, on May 13, 1902, rendered its decision refusing his application, and on May 24, 1902, he was notified of such action. The decision of the Commission has not yet been affirmed by the Secretary of the Interior. The applicant will be

duly notified of such action as may be taken by him.

Respectfully,

Chairman.

M.C.R 38

Muskogee, Indian Territory, July 15, 1905.

William T. Harper,

Orr, Indian Territory,

Dear Sir:

You are hereby notified that on the 30th day of June, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter P. Harper et al., of which decision you were advised by registered mail on the 24th day of May, 1902.

Respectfully,

Commissioner.

RECEIVED.
JUN 14 1900

MEMORANDA.

(Date) June 14 1900.

Name Wm. J. Harper, (40) Okla, I.T.

Choctaw? Yes County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes. (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen?

Married under what law?

License filed this day

Wife's name, Ophelia Harper, Dead

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

1. Henry	County	Year	Page	No.
11. Mary	County	Year	Page	No.
12. Lou	County	Year	Page	No.
10. Myrtle	County	Year	Page	No.
7. Bahlah	County	Year	Page	No.
4. Irene	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personal appearance at Durant I.T. June 14, 1900

Robert B. Harper, (father)
Martha J. Harper, (mother)

REFUSED.

JUN 13 1900

MEMORANDA.

(Date) June 13, 1900

Name Georgia Walker, (38) Cliff, I.T.

Choctaw? Miss. County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes. (1/4) Mother's citizenship (N.S)

Intermarried citizen?

Married under what law? (N.S)

License filed this day,

~~Wife's name~~, (Husband) Res Walker.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
10. Ima.				
8. Cass				
5. Una.				
2. Perna.				

als Odum, (father) (1/2)
Bettie Hally, (mother)

Harper et al

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 21 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS

1902

ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 24 1902

RECORD FORWARDED DEPARTMENT.

MAY 21 1902

RETURNED BY THE SECRETARY OF
INTERIOR FOR FURTHER HEARING.

JUN 6 1902

RECORD FORWARDED DEPARTMENT.

APR 27 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.

JUN 30

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

JUL 1

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

JUL 15

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL 15 1905

JUL 15 1905

REFER TO M.O.R. 39

choc mcR 39 walter P. Harper

refer to mcR 38-40-4105

mcR 39

CATION
A MISS CHOCTAW

Walter. P. Harper et al

RECORD FORWARDED DEPARTMENT

RECEIVED BY

BY MENT

ACTION APPROVED BY
SECRETARY OF INTERIOR
JUN 30 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS CHOCTAW
AND CHICKASAW NATIONS.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

JUL 15 1905

JUL 15 1905

REFER TO M.C.R 38-40-4105

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of Walter P. Harper, et al., for identification as Mississippi Choctaws, consolidating the applications of

Walter P. Harper, et al.,	M C R 39
William T. Harper, et al.,	M C R 38
John L. Harper, et al.,	M C R 40
Mary F. Clodfelter, et al.,	M C R 4105

List of papers forwarded to the Secretary of the Interior, with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Walter P. Harper, et al., for identification as Mississippi Choctaws.	1
Written petition of Walter P. Harper.	3
Ex parte affidavit of S. H. Clements.	4
Ex parte affidavit of Sarah Clodfelter.	5
Ex parte affidavit of A. Tennie Martin.	6
Written appearance of Chester Howe, as attorney for applicants.	7
Written decision of the Commission refusing the application of Walter P. Harper, et al., for identification as Mississippi Choctaws.	8
Copy of letter of Commission to Walter P. Harper, transmitting above decision.	10
Registry receipt.	11
Original application of William T. Harper, et al., for identification as Mississippi Choctaws.	12
Written petition of William T. Harper.	14
Ex parte affidavit of S. H. Clements.	15

Page.

Ex parte affidavit of Sarah Cledfelter. 16

Ex parte affidavit of J. R. Martin. 19

Ex parte affidavit of J. R. Martin (No.2.) 20

Ex parte affidavit of A. Tennie Martin. 21

Original application of John L. Harper, et al., for identification as Mississippi Choctaws. 22

Written petition of John L. Harper. 24

Ex parte affidavit of Sarah Cledfelter. 25

Ex parte affidavit of S. H. Clements. 26

Ex parte affidavit of A. Tennie Martin. 27

Ex parte affidavit of J. R. Martin. 28

Original application of Mary F. Cledfelter, et al., for enrollment as citizens by blood of the Choctaw Nation. 29

Written petition of Mary F. Cledfelter. 31

Ex parte affidavit of S. H. Clements. 32

Ex parte affidavit of Sarah Cledfelter. 33

Ex parte affidavit of A. Tennie Martin. 34

Ex parte affidavit of J. R. Martin. 35

Memoranda of the Commission made at the taking of the original application of Mary F. Cledfelter, et al. 36

Written decision of the Commission refusing the application of Mary F. Cledfelter, et al., for enrollment as citizens by blood of the Choctaw Nation. 37

Copy of letter of the Commission to Mary F. Cledfelter, transmitting above decision. 38

Registry receipt. 39

Copy of letter of the Commissioner of Indian Affairs, remanding the case of Walter P. Harper, for further hearing. 40

	Page.
Copy of letter of the Commission to the Commissioner of Indian Affairs, notifying him of rehearing in these cases.	41
Copy of letter of the Commission to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations of like import.	42
Copy of letter of the Commission to J. O. Poole, attorney of record for the applicants, of like import.	43
Copy of letter of the Commission to Chester Howe, attorney of record for the applicants, of like import.	44
Copy of letter of the Commission to Walter P. Harper, applicant within, of like import.	45
Copy of letter of the Commission to John L. Harper, applicant within, of like import.	47
Copy of letter of the Commission to William T. Harper, applicant within, of like import.	49
Copy of letter of the Commission to Mary F. Cledfelter, applicant within, of like import.	51
Transcript of proceedings on the rehearing.	53
Oral testimony of John L. Harper on the rehearing.	54
Ex parte affidavit of Sophrona Harper, filed on said rehearing.	59
Ex parte affiddavit of J. R. Mitchell, filed on said rehearing.	61
Final decision of the Commission in the consolidated case of Walter P. Harper, et al., for identification as Mississippi Choctaws, refusing said application.	62

MC-R34

1

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of Walter P. Harper for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Kirby he testifies as follows:

Q What is your name? A Walter P. Harper.
Q What is your age? A Thirty-nine.
Q What is your post-office? A Grady I.T.
Q How long have you lived at Grady? A Four years.
Q Been living there continuously for four years?
A Yes sir.
Q Where did you live prior to moving to Grady? A Weoona, Texas
Q How long had you lived in Texas? A About thirteen months.
Q Where did you live before that? A In the Territory.
Q How long did you live in the Indian Territory at that time?
A All together about eighteen years.
Q Where did you live before first coming to the Territory?
A Cook County, Texas.
Q Where were you born? A In Mississippi.
Q How long did you live in Mississippi before moving to Texas?
A I was about five or six years old I believe.
Q What is the name of your father? A Robert B. Harper.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A White man.
Q What is the name of your mother? A Martha J. McCrary.
Q Is she living? A No sir.
Q Was she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood did she claim to have?
A Quarter.
Q Did her name ever appear upon the Tribal rolls? A Not that I know of.
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A No sir, not that I know of.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Has your name ever appeared upon the Tribal rolls? A No sir.
Q Did you ever appear to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Yes sir.
Q You claim to be a Mississippi Choctaw do you? A Yes sir.
Q Under what Treaty do you claim? A 1830 and 1866.
Q You claim under the treaties of 1830 and 1866? A Yes sir.
Q Do you claim under all the provisions of these treaties? A I guess so, as well as I understand them I do.
Q If I understand you correctly you don't base your claim upon any particular article of either of these treaties? A No sir.
Q But upon the treaties taken as a whole? A Yes sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A I ~~dontk~~ didn't; I don't know whether any of my ancestors ever did.
Q Are you married? A Yes sir.
Q Making my claim in behalf of your wife? A Yes sir.
Q What do you claim her to be? A Intermarried Mississippi Choctaw.
Q What is her name? A Florence P. Harper.
Q Is she living? A Yes sir.
Q What is the name of her father? A I didn't know her father.
Q Don't know what his name was? A No sir.

Walter P. Harper #2

Q Is he living? A No sir.
Q What is the name of her mother? A Frances Cryer.
Q That her maidenname? A Yes sir.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q Did you marry under Choctaw law? A No sir, United States law.
Q Where did you marry? A In Texas.
Q When? A Three years ago.
Q Have you your marriage license and certificate with you?
A No sir.
Q Have you any children? A One.
Q Boy or a girl? A Girl.
Q Do you claim that she is a Mississippi Choctaw? A Yes sir.
Q Her claim has the same foundation as your own does it?
A Yes sir.
Q She is living with you? A Yes sir.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
Q Any papers you would like to file with the Commission?
A Yes sir.

(Affidavit of Walter P. Harper offered in evidence, and placed on file.)

Q What is the name and age of your child? A Hertie, Harper, eighteen months old.

The Commission is unable from the testimony in this case to identify you or your child as Mississippi Choctaws, or your wife as an intermarried Mississippi Choctaw. You will be furnished with a copy of the decision of this Commission in writing giving in full its reasons for refusing to identify you and your wife and your child as Mississippi Choctaws.

This testimony in this case, and any papers that you may be pleased to file with this Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

M.D. GREEN, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above is a full true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

THE AUTHORITY OF THE DECISIONS
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of Walter F. Harper and his minor child, and his wife as an intermarried Mississippi Choctaw.

The applicant, Walter F. Harper, appeared before the Commission at Colbert, Indian Territory, June 14th, 1900 and from his oral testimony given at this in behalf of his claim for identification of himself and minor child as Mississippi Choctaws and his wife as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September Twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress, approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior; Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Walter P. Harper and his minor child, Hortie Harper, and of his wife, Florence F. Harper as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 4, 1900.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Walter P. Harper, et al., for identification as Mississippi Choctaws, consolidating the original Mississippi Choctaw applications of

Walter P. Harper, et al.,	M. C. R. 39
William T. Harper, et al.,	M. C. R. 38
John L. Harper, et al.,	M. C. R. 40
Mary F. Clodfelter, et al.,	M. C. R.4105

The record and decision inthis case forwarded to the Department May 13, 1902, was returned to the Commission by the Commissioner of Indian Affairs, June 6, 1902.

There is attached to the record in the case, the letter of the Commissioner of Indian Affairs of June 6, 1902, and also the deposition in case No. 86 of Charles Frazier before the commission authorized by the Act of Congress of March 3, 1837.

In our decision of May 13, 1902, it was held:

"It appears from the oral statement given at the rehearing that Martha J. McCrary, the mother of the principal applicant herein, was born in 1828 or 1829 and assuming this statement to be correct, it is incumbent upon these applicants in order that they may be identified as Mississippi Choctaws, to show that the said Jane McCrary was in 1830 a recognized Choctaw Indian and that she complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek for her daughter Martha J. McCrary and this the evidence entirely fails to show."

It seems that there is a reasonable doubt as to the statement that Martha J. McCrary was born in 1828 or 1829 as will appear from the testimony of John L. Harper at Muskogee, Indian Territory on March 4, 1902, and that the decision of May 13, 1902 is therefore in error.

The decision of the Commission further states,

"It does not appear from the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", that any persons named Jane E. McCrary or Martha J. McCrary ever, in person or by proxy, signified their intentions to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims."

This statement is in error as an examination of the records in the possession of the Commission would have shown that Jane McCrary under her maiden name of Jane Frazier was a claimant under the provisions of the fourteenth article of the treaty of 1830 as will appear from the records of case No. 86, Charles Frazier, before the commission of March 3, 1837.

Attention is also invited to the ex parte affidavits of Sophrona Harper and J. R. Mitchell filed with the Commission by John L. Harper on March 4, 1902, the date of the rehearing in the consolidated case.

The Commissioner of Indian Affairs in his letter of June 6, 1902, returning the record in the consolidated case of Walter P. Harper , et al., uses the following language:

"The purpose of this transmittal is to call your attention to the testimony in the record tending to show that the common ancestor of the applicants is one Charles Frazier, a Mississippi Choctaw. The fact that said Frazier is the common ancestor of the applicants is supported by the testimony of John L. Harper, the affidavit of Sophrona Harper and that of J. R. Mitchell, all of which was submitted before your Commission at the time additional testimony was taken in this case."

If we accept as conclusive the statement made by John L. Harper on March 4, 1902 and the allegations set forth in the affidavits of Sophrona Harper and J. R. Mitchell filed on that date, it will be necessary in connection with the record evidence in this case as shown by the depositions filed in case No. 86,

Charles Frazier, before the commission of March 3, 1837, to identify the applicants as beneficiaries under the provisions of the fourteenth article of the Choctaw treaty of 1830.

It is therefore for the purpose of confirming or contradicting the statements made by John L. Harper and the allegations set forth in the affidavits of Sophrona Harper and J. R. Mitchell, that this investigation is instituted.

As the Indian Office invites attention to the fact that the descent of these applicants from Charles Frazier, a Mississippi Choctaw, is supported by the testimony of John L. Harper and the affidavits of Sophrona Harper and J. R. Mitchell, it will be necessary to obtain the personal testimony of these three persons. The investigation to be made should be confirmed strictly to the lineal descent of these applicants from Charles Frazier through their maternal grand-mother, Jane McCrary, nee Frazier.

The case should be carefully reviewed and the allegations set forth in the affidavits of Sophrona Harper and J. R. Mitchell compared with the depositions in case No. 86, Charles Frazier, before the commission of March 3, 1837.

Attention is especially directed to one statement in the affidavit of J. R. Mitchell which does not accord with the depositions in the Charles Frazier case, No. 86. Note on page 61 in answer to interrogaroty 3, Mitchell says that the grand-father of the applicants was Matthew McCrary, a white man and his wife was named Jane and was the daughter of an old Choctaw Indian named Charles Frazier in the Choctaw Nation, Mississippi.

Charles Frazier in his deposition before the Commission of March 3, 1837 relative to Jane, states as follows:

"Jane, a female born in 1811. Is not certain if she was unmarried at the time of the treaty. She married about that time a half blood Chickasaw. Does not recollect his name."

Mitchell in his affidavit filed in 1902 states that Jane McCrary was married to a white man, while Charles Frazier, Jane McCrary's father, states that she was about the time of the treaty, married to a half blood Chickasaw. Your investigation of the affidavit of J. R. Mitchell should be exhaustive on this point.

Also note that Mitchell in his affidavit gives the names of the children of Charles Frazier identically as they occur in the Court of Claims record. The investigation on this point should also be full.

It does not appear that there is any question that the applicants herein are the descendants of a woman by the name of Jane McCrary, who was the wife of a white man, named Matthew McCrary. This being admitted, the investigation should be confined strictly to the question if the Jane McCrary, the maternal grand-mother of these applicants is the identical Jane Frazier who appears in the record in case No. 86 before the commission of March 3, 1837.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Walter P. Harper, et al., for identification as Mississippi Choctaws, consolidating the applications of

Walter P. Harper, et al.,	M C R 39
William T. Harper, et al.,	M C R 38
John L. Harper, et al.,	M C R 40
Mary F. Cledfelter, et al.,	M C R 4105

--: D E C I S I O N :--

The record in the above consolidated case shows that there were, originally, four applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of Walter P. Harper for the identification of himself and his minor child, Hortie Harper, as Mississippi Choctaws, and for the identification of his wife, Florence P. Harper, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 14, 1900.

In the matter of the application of William T. Harper for the identification of himself and his six minor children, Henry, Mary, Lona, Myrtle, Beulah and Irene Harper, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 14, 1900.

In the matter of the application of John L. Harper for the identification of himself and his minor child, Jessie L. Harper, as Mississippi Choctaws, taken at Colbert, Indian Territory,

June 14, 1900.

In the matter of the application of Mary F. Clodfelter for the enrollment of herself and her seven minor children, Minnie, Mattie, Tobe, Hattie, Willie, Jesse, and Birdie Clodfelter, as citizens by blood of the Choctaw Nation, taken at Colbert, Indian Territory, June 14, 1900.

NOTE. It appears from the oral statement of the principal applicant that she also made application for the enrollment of another child, Lula Clodfelter, but a memorandum of the Commission filed herewith, which was made at the time of the making of the original application herein, shows that the said Lula Clodfelter was then dead, and this is corroborated by the oral statement of the applicant, John L. Harper, given at the rehearing of this consolidated case.

In conformance with Departmental instructions of June 10, 1901 and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications under the head of Walter F. Harper, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of Walter F. Harper, et al., that on June 14, 1900, the said Walter F. Harper appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his minor child, Hartie Harper, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in the year 1830,

and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of his wife, Florence F. Harper, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Martha J. McCrary, an alleged one fourth blood Choctaw and Robert R. Harper, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, William F. Harper, and his wife and minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the Choctaw tribal rolls in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1898, (30 Stats., 501.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of S. N. Clements, Sarah Clodfelter and A. Tennie Martin. By the oral statement of the principal applicant it is attempted to be shown that he was born in Mississippi in about the year 1841 and that for about four years prior to the making of his original application he had been a resident of Indian Territory, and claims to be about an one eighth blood Choctaw.

He states that he did not marry his wife, for whom he makes application, under the Choctaw law, but under United States law. He only attempts to trace his alleged Choctaw descent to his mother and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits of S. H. Clements, Sarah Cledfelter and A. Tennie Martin it is attempted to be shown that affiants know the principal applicant and know his mother, Martha J. Harper (nee McCrary), and that she was a Mississippi Choctaw Indian and resided in the Mississippi Choctaw Nation, and that she and her descendants were regarded generally as Choctaw Indians. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of William T. Harper, et al., and the record therein shows that on June 14, 1900, the said William T. Harper appeared before the Commission at Colbert, Indian Territory, and there made personal

application for the identification of himself and his six minor children, Henry, Mary, Lena, Myrtle, Beulah and Irene Harper, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Martha J. McCrary, an alleged one fourth blood Choctaw and Robert B. Harper, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, William T. Harper, and his six minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321)

The evidence offered in suppert of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of S. H. Clements, Sarah Cledfelter, J. R. Martin (two), and A. Tennie Martin. By the oral statement of the principal applicant it is attempted to be shown that he was born in

Mississippi in about the year 1856, and that for about four years prior to the making of his original application he had been a resident of Indian Territory and claims to be an one eighth blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits of Sarah Cledfelter, S. M. Clements, J. R. Martin (two), and A. Tennie Martin it is attempted to be shown that affiants knew the principal applicant herein and knew his mother, Martha J. Harper (nee McCrary), who was a Mississippi Choctaw Indian and resided in the Mississippi Choctaw Nation, and that she and her descendants were generally regarded as Choctaw Indians. The affiant, Sarah Cledfelter, adds that the said Martha J. Harper had the appearance of an Indian and claimed to be a Choctaw. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of John L. Harper, et al., and the record therein shows that on June 14, 1900, the said John L. Harper appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his minor child, Jessie L. Harper, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Martha J. Harper, an alleged one fourth blood Choctaw, and Robert B. Harper, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, John L. Harper, and his minor child, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application,

aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Sarah Clodfelter, S. H. Clements, A. Tennie Martin and J. R. Martin. By the oral statement of the principal applicant it is attempted to be shown that he was born in Mississippi in about the year 1863 and that for about eighteen years prior to the making of his original application he had been a resident of Indian Territory and claims to be an one eighth blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact he states that he does not think that any of his ancestors ever claimed or received any land as beneficiaries under the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavits of Sarah Clodfelter, S. H. Clements, A. Tennie Martin and J. R. Martin it is attempted to be shown that affiants knew the principal applicant herein and knew his mother who was a Mississippi Choctaw Indian and resided in the Mississippi Choctaw Nation and that she and her descendants were generally regarded as Choctaw Indians. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the

provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The last in order of the above applications is that of Mary F. Clodfelter, et al., and the record therein shows that on June 14, 1900, the said Mary F. Clodfelter appeared before the Commission at Colbert, Indian Territory, and there made personal application for the enrollment of herself and her seven minor children, Minnie, Mattie, Tobe, Hattie, Willie, Jesse and Birdie Clodfelter, as citizens by blood of the Choctaw Nation, and that such application was refused on the ground that the names of the applicants were not upon any of the Choctaw tribal rolls in the possession of the Commission. The principal applicant claims descent from Martha Jane McCrary, an alleged one fourth blood Choctaw and Robert D. Harper, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary F. Clodfelter, and her seven minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of

June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of S. H. Clements, Sarah Clodfelter, A. Tennie Martin and J. R. Martin. By the oral statement of the principal applicant it is attempted to be shown that she was born in about the year 1858, but she does not state where she was born, and that for about thirteen years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her mother. By the ex parte affidavits of S. H. Clements, Sarah Clodfelter, A. Tennie Martin and J. R. Martin it is attempted to be shown that affiants know the principal applicant herein and knew her mother who was a Mississippi Choctaw Indian and resided in the Mississippi Choctaw Nation, and that she and her descendants were generally regarded as Choctaw Indians. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The record in these cases further shows that on September 6, 1900, there was forwarded by the Commission to Walter P. Harper a written decision, refusing the application he had made for the identification of himself and his family as Mississippi Choctaws, and that on September 6, 1900, there was forwarded by the Commission to Mary E. Clodfelter a written decision refusing the application she had made for the enrollment of herself and her family as citizens by blood of the Choctaw Nation.

On December 3, 1900, the record in the case of Walter P. Harper, et al., was forwarded to the Secretary of the Interior.

On July 30, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to this Commission the record theretofore forwarded to the Secretary of the Interior in the case of Walter P. Harper, et al., for further hearing.

In accordance with the instructions of the commissioner of Indian Affairs, the Commission to the Five Civilized Tribes, on January 20, 1902, notified Walter P. Harper, the principal applicant in the case so remanded, and also William T. Harper and John L. Harper, who had made application for the identification of themselves and their families as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, and also Mary F. Gledfelter, who had applied for the enrollment of herself and her family as citizens by blood of the Choctaw Nation, that at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Monday, March 3, 1902, at nine o'clock, A. M., there would be heard the testimony of such witnesses as might be presented in support of any of such applications. Notice to the same effect was on the same day given to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, and to J. G. Poole and Chester Howe, attorneys of record for the applicants herein.

On Monday, March 3, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, at nine

o'clock, A. M., this case was called for hearing, and at that time and place personal appearance was made by John L. Harper, one of the applicants in this group of consolidated cases. No appearance was made by either the attorneys for the applicants or the attorneys for the Choctaw and Chickasaw Nations. The said John L. Harper thereupon asked for a continuance of the said cases of this group until March 4, 1902, at nine o'clock, A. M., which continuance was granted. At this rehearing, pursuant to the continuance, on March 4, 1902, there was submitted the oral testimony of John L. Harper, one of the applicants in this group of consolidated cases, wherein he attempted to trace his alleged Choctaw descent through his mother to his grandmother, Jane K. McCrary (nee Frazier), and he further states that his said mother if living in 1902, would be about seventy-three or seventy-four years old, so that it would appear that his said mother was living in 1830. The witness also testified as to his relationship to the other applicants in this group of consolidated cases. There was nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There was also submitted at this rehearing the ex parte affidavit of Sephrena Harper, by which it was attempted to be shown that affiant is the stepmother of the principal applicants in this group of consolidated cases, and that she knew Jane McCrary (nee Frazier) the grandmother of the said principal applicants, to be a Mississippi Choctaw Indian.

The affiant also states that she has heard the said Jane McCrary speak of her father, Charles Frazier, as a Choctaw Indian residing in Mississippi. There was also submitted the ex parte affidavit of J. R. Mitchell, by which it was attempted to be shown that affiant knew Martha McCrary, a Mississippi Choctaw Indian, the mother of the principal applicants in this group of consolidated cases, and also her mother, Jane McCrary (nee Frazier), whose father was Charles Frazier, a Choctaw Indian, who had a home in the old Choctaw Nation in the state of Mississippi, and did not come to Indian Territory with the other Choctaw Indians but died in Mississippi. There is nothing in either of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the applicants herein were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the time of the making of their original applications, and the oral statement of the applicant, John L. Harper, given at the rehearing of these cases, and the documentary evidence filed herein. By the evidence so submitted it is attempted to be shown that the common ancestor through whom

these applicants claim their right to identification as Mississippi Choctaws is Jane E. McCrary (nee Frazier), the maternal grandmother of the principal applicants herein, who is shown to have been married and at the head of a family in the state of Mississippi in 1830. It appears from the oral statement, given at the rehearing, that Martha J. McCrary, the mother of the principal applicants herein, was born in 1828 or 1829, and assuming this statement to be correct, it is incumbent upon these applicants in order that they may be identified as Mississippi Choctaws, to show that the said Jane E. McCrary was in 1830 a recognized Choctaw Indian, and that she complied with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" for her said daughter, Martha J. McCrary, and this the evidence entirely fails to show. It does not appear from the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", that any persons named Jane E. McCrary or Martha J. McCrary ever, in person or by proxy, signified their intentions to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 496), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Walter P. Harper, Mortie Harper, William T. Harper, Henry Harper, Mary Harper, Lona Harper, Myrtle Harper, Beulah Harper, Irene Harper, John L. Harper, Jessie L. Harper, Mary F. Clodfelter, Minnie Clodfelter, Mattie Clodfelter, Tobe Clodfelter, Hattie Clodfelter, Willie Clodfelter, Jesse Clodfelter and Birdie Clodfelter, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Walter P. Harper for the identification of his wife, Florence P. Harper, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Muskogee, Indian Territory,
MAY 13 1902

Commissioners.

REFER TO M. C. R. 39

Walter P. Harper et al

Consolidated Cases

1835

Martha Wagner

Matthew McCrary
Jane E. McCrary 1/2

1902
73
1829

70 or 75 73 or 74

× Martha J. McCrary 1/2 Dead
married
Robert B. Harper Dead White

× born 1829
See testimony of John L Harper
Chickasha I.T. Aug 14 1902

mb R 38
William T. Harper 44 1/8
married
Ophelia Miller

- mb R 28 Henry Harper 18
- " Mary Harper 15
- " × Lona Harper 12 × Leona
- " Myrtle Harper 10
- " Beulah Harper 7
- " Irene Harper 4

mb R 41 105
Mary T. Harper 42 1/8
married
Newton Clodfelter
Newton J

- mb R 41 105 Minnie Clodfelter 20
- " ~~Lula Clodfelter~~
- " Mattie Clodfelter 17
- " Job Clodfelter 15
- " Hattie Clodfelter 13
- " Willie Clodfelter 10
- " Jesse Clodfelter 7
- " Birdie Clodfelter 2

mb R 39
Walter P. Harper 39 1/8
married
Florence B. Berger White
claims I.W. for wife

- mb R 39 Nortie Harper 18 mos
- × Walter P Harper 18 mos

× Born since application

mb R 40
John L. Harper 37 1/8
wife
Ella Harper

- Jessie L Harper 7

Walter J Harper Case

Doubtful testimony = See Conclusion of letter of Comr D.A. in Kate May Case page 20 of Dispatch Letters relating to M C Cases July 15 to Aug 28. 1902.

Ex parte Evidence = See page 29 Letters relating to Miss Choc Cases Mch 10/99 to June 30/1902

Age of mother of applicant Martha J McCrary if living.

" Testimony of John L Harper Muskogee Mch 4 1902

"About 70 odd years I reckon"

Father

"I think my father was about two years older than my mother"

Then again in testimony ~~in testimony~~ at Chickasha

"I think she died in 1869 of I am not mistaken. It seems to me that is it. She died in Choctaw nation."

~~1869~~ 40 1829

"I think she was about 40 odd - forty three or forty four maybe five or somewhere along there"

quote also on page two as to age of father and mother

1827 = Jane Jaggin was about 1825

Charles Frazier et	"Statement by atty "four unmarried children, over 18 years of age named Jane, Andrew, Mary Maxwell & one child under 18 years of age named Emily"	Aff of Charles Frazier	See affidavits of Stephen Perry, Joseph Perry, Thomas Hoppe Joseph Perry was not at the Council at Doak's Stand Thomas Hoppe knew that claimant went beyond to war	
Father living Mother dead	Jane Frazier	Jane born 1811 married about 1835 is not certain if she was unmarried at the time of the treaty. She married about that time a half blood Cherokee; does not recollect his name; went immediately on her marriage to live in the Cherokee Country, after the death of her mother, she lived sometimes with her grandmother. She lived about 2 miles South of the Cherokee fields, in the Cherokee Country, and sometimes with them; after the death of her mother Jane resided the principal part of the time with her grandmother in the Cherokee Country until her marriage		
	Andrew Frazier went west, unmarried at time of treaty			
	Mary Frazier married and lived with her grandmother in the Cherokee Country			
	Maxwell Frazier aged 18 or 19 years at School in the north			
	Emily Frazier lived with grandmother since death of mother	"At time of treaty lived in Cherokee Country with		

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, January 20, 1902.

In the matter of the application for identification as Mississippi Choctaws of William T. Harper, et al., M. C. R. 38.

In the matter of the application for identification as Mississippi Choctaws of Mary F. Clodfelter, et al., M. C. R. 4105.

In the matter of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., M. C. R. 39.

In the matter of the application for identification as Mississippi Choctaws of John L. Harper, et al., M. C. R. 40.

All of the applicants herein claim Mississippi Choctaw Indian descent from Jane E. McCrary, an one-half blood Choctaw Indian who was the wife of Matthew McCrary, a white man, and who was the mother of Martha J. McCrary, who married Robert B. Harper, a white man. Martha J. Harper, nee McCrary was the mother of William T. Harper, Mary F. Clodfelter, Walter P. Harper and John L. Harper, who, together with their children, are prosecuting their claims as Mississippi Choctaws before this Commission.

The following descendants of the common ancestor Jane E. McCrary appear of record as applicants for identification as Mississippi Choctaws by blood:

William T. Harper and his children.	(Henry Harper (Mary Harper (Lona Harper (Myrtle Harper (Beulah Harper (Irene Harper.
Mary T. Clodfelter, nee Harper and her children	(Minnie Clodfelter (Lula Clodfelter (Mattie Clodfelter (Tobe Clodfelter (Mattie Clodfelter (Willie Clodfelter (Jesse Clodfelter (Birdie Clodfelter
Walter P. Harper and his child.	----------Hortie Harper.

John L. Harper)
and)---------- Jessie L. Harper.
his child.)

Applicants for Identification as Intermarried Mississippi Choctaws:

M. C. R. 39 Florence B. Harper, wife of Walter P. Harper.

With respect to this case, the proof shows that the applicant is a white person not possessed of Mississippi Choctaw Indian blood.

M. C. 4105. The record shows that Mary F. Clodfelter, the principal applicant in this case appeared before this Commission at Colbert, Indian Territory on June 14, 1900 and made personal application for the enrollment of herself and eight minor children as Choctaws by blood and that said application was denied. That on September 4, 1900 a copy of the decision of the Commission denying said application was mailed to the applicant. The record made in the case of this applicant for enrollment at said hearing is now transferred to the Mississippi Choctaw Department to be considered as a Mississippi Choctaw case, the applicants claiming descent from the same common ancestor as all the applicants herein.

Residence.

The proof shows that all the applicants herein have resided in the Indian Territory for periods of from nine to eighteen years.

The proof submitted in these several cases is the oral statement of the applicants supported by ex parte affidavits of Sarah Clodfelter and J. R. Martin, Tennie Martin and S. H. Clements.

The oral testimony of the applicants and these affidavits tend to show the residence in the Indian Territory of the applicants and their descent from Jane E. McCrary, through her daughter Martha J. who married Robert B. Harper, a white man.

There is no evidence either oral or documentary tending to show that ancestors through whom applicants claim, were recognized members of the Choctaw tribe of Indians who resided in the old Choctaw Nation Mississippi and Alabama at the time of the conclusion of the treaty between the United States government and the Choctaw tribe of Indians, the 27th of September 1830; nor is there any evidence oral or documentary tending to show any act of compliance on part of the ancestors of these applicants with any of the provisions of article 14 of said treaty.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 3, 1902.

In the matter of the consolidated cases of Walter P. Harper, et al., applicants for Identification as Mississippi Choctaws, embracing the cases of

Walter P. Harper, et al.,	M.C.R.	39,
William T. Harper, et al.,	M.C.R.	38,
John L. Harper, et al.,	M.C.R.	40,
Mary F. Cloudfelter, et al.,	M.C.R.	4105.

In accordance with the letter of the Commissioner of Indian Affairs of July 30, 1901, remanding to this Commission, for further hearing, the case of Walter P. Harper, et al., the case of these applicants has been combined with the cases of John L. Harper, et al, William T. Harper, et al., and Mary F. Cloudfelter, et al., claiming descent from the same common ancestor John T. McCrary, for the purpose of the introduction of additional testimony in support of such applications.

Notice of the hearing of said additional testimony was furnished the several applicants herein, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, January 28, 1902.

At the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, March 3, 1902, the cases of the several applicants herein being set for rehearing this day and date and said cases being called John L. Harper appeared in his own behalf and on behalf of all the other applicants herein. No appearance was made by the attorneys for the applicants; nor by the attorneys for the Choctaw and Chickasaw Nations.

The following proceedings were had:

- - - - - - - - - - - - - - - - -

John L. Harper, applicant, asks that on account of the late hour at which he arrived at Muskogee, being delayed by a delayed train, that the several cases be continued until March 4, 1902, at 9:00 o'clock A.M.

Which continuance is granted.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. March 4, 1902.
9:00 o'clock A.M.

The cases of the several applicants herein being continued to this day and date the following proceedings were had:

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John L. Harper being first duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A John L. Harper.
Q How old are you? A I will be forty my next birthday.
Q What is your post office address? A Orr, I. T.
Q Are you the identical John L. Harper who appeared before the Commission on June 14, 1900, at Colbert, Indian Territory, and there made application of yourself and minor children as Mississippi Choctaws? A Yes, sir.
Q At the time of your appearance before the Commission at Colbert you understood thoroughly that you were applying for identification as a Mississippi Choctaw? A Yes, sir.
Q And that you were presenting your claim under article fourteen of the treaty 1830? A Yes, sir.
Q You understand that article do you? A Why I understand something about it.
Q You understand it sufficiently well to base your claim as a Mississippi Choctaw under it? A Under that treaty and that article; yes, sir.
Q How much Choctaw blood are you possessed of? A I claim about one-eighth, may be more.
Q Is your mother living? A No, sir; she is dead.
Q About how old would your mother be if living? A She would be seventy odd,--seventy-three or four I reckon.
Q Is your father living? A No, sir; he is dead.
Q About how old would he be if living now? A He died in '85, and was fifty-six or sixty-six years old. I am not sure but I think it is fifty-six. I am not sure. That would make him about seventy three or four.
Q That would make him about seventy-three or four years of age or about the same age as your mother? A I think my father was about two years older than my mother.
Q Which parent do you get Choctaw blood from? A My mother.
Q How much Choctaw blood did your mother claim? A She claimed one-quarter.
Q Who did she get her Choctaw Blood from? A Her mother.
Q What was her mother's name? A McCrary.
Q Her full name? A They called her Jane E. McCrary.
Q That was her married name? A Yes her name before that was Frazier.
Q That is your grandmother on your mother's side? A Yes, sir.
Q Was she married and the head of a family in 1830? A I don't know.
Q Well your mother's age would indicate that she was? A Yes, sir.
Q Your mother's age would indicate that your grandmother was married in 1830? A Yes, sir.
Q Where did she reside at that time? A In Mississippi.
Q Do you know where your grandmother died, what state? A No, sir I don't believe I do but I think she died in Mississippi, I could not be positive as to that.
Q Was she a recognized member of the Choctaw tribe of Indians in the old Choctaw Nation in Mississippi or Alabama at that time? A I could not say that.
Q Do you know of the existence of any proof of any kind that would tend to show that she was a recognized member of the Choctaw tribe of Indians in 1830? A I started with two witnesses before the Commission, but the old man was taken sick and I taken his affidavit and brought it with me and that old lady----.
Q Are they here now? A No, sir; they stopped in the Indian Territory. The old man took sick and could not come.

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Q What are the names of these witnesses? A James R. Mitchell, the woman's name is,--my stepmother; Sophrena Harper.
Q What do you expect to prove by these witnesses? A That they knew my people wasChoctaw Indians in Mississippi.
Q How old is Mitchell? A Eighty-three according to his affidavit.
Q How old is your step-mother? A Sixty-five.
Q Well your step-mother then would not know whether your grandmother was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830 or not? A No, sir; she could not know that.
Q Have you got that affidavit of Mitchell with you? A Yes, sir.
Q You want to file it now? A Yes, sir; those two.

Applicant offers in evidence the affidavit in due form of J. R. Mitchell, which is filed and marked exhibit "X" and made a part of the record in this consolidated case, also, the affidavit of Sophrona Harper, in due form, which is filed, marked exhibit "Y" and made a part of the record in this case.

Q The affidavit of Sophrona Harper has been referred to in your testimony and her age would indicate that she could only testify to facts that she has learned from others; that she would have no personal knowledge of the actions of your grand parents with reference to any claim that they may have made under article fourteen of the treaty of 1830? A No, sir; I don't suppose she would.
Q Are you acquainted with J. R. Mitchell? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q How long have you known him? A All my life.
Q Does he make any claim to Indian blood? A No, sir; I don't know that he does.
Q His affidavit sets up that he was acquainted with your parents and grand parents and that he knew that they resided in the state of Mississippi but he does not know of any act of compliance on their part with any of the provisions of the fourteenth article of the treaty of 1830, that is he does not know of their having received any land as claimants under that article; nor does he know that they receivedscrip from the United States government for lands claimed under that article for the reason of its having been sold by the United States government at the public land sales? A Yes, sir.
Q At the time of the making of this treaty a great many Choctaws did not want to come to the new country which they had taken in exchange for the lands in the old Choctaw Nation, Mississippi and Alabama and the fourteenth article was put into the treaty for the benefit of that class of Indians who wanted to remain in that old Nation, and these Indians who did remain and wanted to accept benefits under this article were required to go before the government Agent there in Mississippi within six months from the ratification of this treaty by Congress, which was done on the 24th of February 1831, and notify the agent that they were going to remain in that old Choctaw Nation and take land. After having done that each Choctaw head of a family was entitled to a section of land, to be bounded by sectional lines of survey, and for each child in his family over ten years of age and unmarried he was entitled to one half a section of land and for each child in his family underthe age of ten he wasentitled to one-quarter section and the reservation of the children to adjoin the reservations of the parents and these reservations to include the present improvement of the head of the family or a portion of it, at the time of the conclusion of the treaty, September twenty-seventh, eighteen hundred and thirty. After receiving these lands, this Choctaw was required to live on them for five years after which time they would become his own and

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the government would give him a title in fee simple enabling him to dispose of the land at his pleasure. ---Now did Jane E. Mc Crary your grandmother within six months from theratification of the treat y of 1830, that is six months from the 24th of February 1831, go before the government agent there in Mississippimand tell him that she wanted to remain in the old Choctaw Nation take land there, under the fourteenth article of the treaty of 1830? A I don't know.

Q Did Jane E. McCrary own an improvement on land in the old Choctaw Nation at the time this treaty was made? A I don't know?

Q Did she remain in the old Choctaw Nation after the time of the removal of the Choctaws to the New Country? A I think she remained there.

Q Did she own any land in the old Choctaw Nation in Mississippi or Alabama? A I don't know.

The government agent who was required to register the namesof all Choctaws who wanted to remain under this fourteenth article in a great many instances failed to register the names of Choctaws who came before him and on this account the land upon which Choctaws had improvemnts and which they wantedreserved for them was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress under various acts appointed Commissions to go to the state of Mississippi and investigate these claims. A large number of claims were investigated, some were allowed and others refused. Of the claims allowed if it was found that the lands had not been sold the lands were given to the Choctaws, if however it was found that the lands had been sold and these Choctaws had established their rights to these lands before these Commissions they were given scrip under which they could locate on vacant government lands in the states of Mississippi, Louisiana, Alabama or Arkansas.

Q Did Jane E. McCrary appear before any of these Commissions and attempt to establish a claim to lands under this fourteenth article? A I don't know.

Q Do you know whether she received any scrip from the government for land that had been sold by the United States government and that she had formerly held under article fourteen? A I don't know.

Q Do you know of the existence of any deed or patent to land or papers of any kind that would tend to show that she was a beneficiary under this fourteenth article,that is received any land from the United States government under this fourteenth article? A No, sir; I don't know whether they received land or not.

Q Do you know whether they owned any land in Mississippi or not? A No, sir; some of these witnesses told me that they did.

Q What is the name of these people that told you that they did? A Mr. Mitchell said that some of them,her great grandfather had a place there, I think he told me that.

Q Mr. Mitchell in his affidavit which you have just filed states that your great grandparents lived in Mississippi and had a home there and stayed there but he does not say that they owned any land there? A Yes, sir.

Q From your testimony your grandmother, Jane E. McCrary who married a Mackie McCrary was married and the head of a family in 1830 at the time of the making of this treaty and any claim you would have would be through your grandmother Jane E. Frazier, who, being the head of a family at the making of this treaty would be the only one who could make a claim . If she was married and the head

of a family her father could not have made a claim for her under the terms of the treaty? A Yes, sir.

Q Now you have no evidence of any kind to offer at this time that Jane E. Frazier performed any act of compliance with the provision of article fourteen of the treaty of 1830? A No, sir.

Q And you have no witnesses to offer? A No, sir; but on account of sickness I could not get my witnesses here.

Q Are there any other witnesses besides these two that you refer to, this man Mitchell and your step-mother? A Yes, I think so.

Q Well you have had since June 1900, to get that evidence before the Commission and you have had since the 20th day of January to bring these witnesses before the Commission? A Well we have hadsmall-pox and after that some of my people had pneumonia.

Q Your attorney Mr. Poole made no appearance, he wasnotified also on the same date of your notice and if you knew of this evidence your attorney should have been put into possession of it andhe should have placed it before the Commission. When did you see your attorney last? A It has been a week ago.

Q Did you talk to him about this case at that time? A No, sir; but he told me to come to Muskogee.

Q Did he tell you he would be here? A No, sir.

Q Did he say he would not come? A He did not say, he just told me to come to Muskogee.

Q What did he tell you to do after you got to Muskogee? A Nothing more than to come before the Commission.

Q Is there any further statement you desire to make in connection with your case? A No, sir; I think not.

Q Is William T. Harper a brother of yours? A Yes, sir.

Q How many children has he? A Six I believe.

Q Can you give their names? A Yes, sir.

Q Please do so? A Henry, the oldest boy; The oldest daughter is named Mary, the next daughter is named Leona and the next daughter is named Myrtle, the next is a daughter named Beulah and the next youngest is Irene.

Q These children are living? A Yes, all living.

Q What is the name of his wife?A His wife's name is Ophelia, Miller before she was married.

Q Is she a white woman? A Yes, sir.

Q Is Mary Clodfelter a sister of yours? A Yes, sir.

Q What is the name of her husband? A Newton J. Clodfelter.

Q How many children have they? A They have seven or eight.

Q Can you give their names? A I think I can.

Q Go ahead then? A Minnie, Mattie, Tobe, Hattie, Willie, Jessie, Berdie, I believe that is all.

Q Have any of her children died since shehas made application? A No, sir.

Q Did she have a child named Lulu? A Yes, sir; that child died before she made application.

Q When did she die? A I don't know when.

Q Did it die prior to June 14, 1900? A Yes, sir.

Q Walter P. Harper a brother of yours? A Yes, sir.

Q Is he married? A Yes, sir.

Q What is the name of his wife? A Florence Cryer.

Q Have you any children? A Yesthey have two children now.

Q One born since the application? A Yes, born in August.

Q What is the name of that child? A He gave it his own name, Walter P.

Q How old is it? A I think it was born the 10th of August.

Q Of what year? A 1900.

Q That is about 18 months old? A Yes, sir; I think about 18 months old.

Q Is Florence Cryer the wife of Walter P. Harper a white woman? A Yes, sir.

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Q Makes no claim to Indian blood? A No, sir; not that I know of.
Q At the time he made application at Colbert, he also made application for his wife, as an intermarried Mississippi Choctaw, does he still desire to let that claim stand? A I do not know.
Q You have no authority to say anything in connection with the withdrawal of that claim? A No, sir.
Q What is thename of your wife? A My wife was named Ella Williams, that is her maiden name.
Q Is she living? A Yes, sir.
Q White woman? A Yes, sir.
Q Have you any children? A Yes, one.
Q What is the name of that child? A Jesse.
Q How old? A Nine or ten years old.
Q Is your own family the only descendants of Jane Frazier that you know of? A Yes, sir.
Q No other people of yours have been before the Commission and made applic ation for identification as Mississippi Choctaws? A No, sir .
Q Do you desire the case of your brothers and sisters consolidated and considered as one case? A Yes, sir; all tried together.
Q You have no further evidence to offer in your case now have you? A No, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on March 3, & 4th, and that the above and foregoing is a f full, true and correct transcript of his stenographic notes in said cause on said date of March 3, & 4th 1902.

G Rosenwinkel

Subscribed to and sworn before me this 22nd day of March 1902.

Clara Mitchellwood

Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Chickasha, I.T. August 14, 1902.

In the matter of the consolidated case of Walter P. Harper, et al., applicants for identification as Mississippi Choctaws, embracing the applications of

Walter P. Harper, et al.,	M C R	39,
William T. Harper, et al.,	M C R	38,
John L. Harper, et al.,	M C R	40,
Mary F. Cledfelter, et al.,	M C R	4105.

John L. Harper, having been first duly sworn by R. D. Welborne, a Notary Public in and for the Southern District, Indian Territory, testifies as follows:

Examination by the Commission

Q What is your name? A John L. Harper.
Q How old are you? A I am now going on forty-one years old,--right at forty-one.
Q What is your post office address? A Orr, Indian Territory, in the Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? I have lived in the Chickasaw Nation something like twenty or twenty-one years.
Q Are you the identical John L. Harper who appeared before this Commission at Colbert, Indian Territory, on June 14, 1900, and made application for the identification of yourself and your minor child Jessie L., as Mississippi Choctaws by blood? A Yes, we are one-quarter Mississippi Choctaws.
Q Well your child is one-half of what you are? A Yes,---Did I say one-quarter?
Q Yes? A I mean one-eighth,--my girl is one-sixteenth.
Q Did you also appear before the Commission at Muskogee, Indian Territory, on the third day of March 1902, and give certain additional testimony in the matter of your application for identification as Mississippi Choctaws and in the matter of the application of your two brothers and your sister? A Yes, sir; I did.
Q Is your mother living? A No, sir.
Q What was her name? A Her name was Martha J. McCrary.
Q How do you spell the name McCrary? A I don't know how I spell it; we always spell it M-c--C-r-a-r-y.
Q What was your mother's middle name? A I don't know sir;--why lets see--I think Martha Jane was her name. It was Martha J., I know.
Q Is your father living? A No, sir.
Q What was his name? A Robert B. Harper.
Q Did he have any Choctaw blood? A No, sir.
Q Did your mother have any Choctaw blood? A Yes, sir.
Q How much Choctaw blood did your mother have? A She was one-quarter.
Q When did she die Mr. Harper? A I think she died in sixty-nine, if I am not mistaken. It seems to me that is it.--She died in sixty-nine.
Q How old was she when she died? A I think she was about forty odd----forty-three or forty-four may be five or somewhere along there.

Q Can you tell us the year in which she was born? A No, sir; I cannot, if she were living now she would be about seventy-four or five somewhere along there. That would be about her age according to the best information we have. My mother I think was about two years older than my father.
Q Two years older than your father? A Yes, I think two years older than my father. I think shewas about two years older than my father, something like that.
Q Did you not tell the Commission in March that you thought your father was two years older than your mother? A No, sir; I never did tell anybody that,--my mother was about two years older than my father.
Q When was your fatkr born? A I don't know sir.
Q You don't know; see if you can remember the year in which he was born? A No, sir; I cannot tell you that but I can tell you this, he was fifty-six years old when he died and he died in eighty-five, that is he has got a little tombstone on his grave and that is the inscription on it.
Q He died in eighty-five and you are sure that at the time of his death he was fifty-six years of age? A No, sir; I am not sure of it,--that is on his tombstone if I am not mistaken.
Q Who put that there? A I don't know sir; whoever put the tombstone there, somebody in Gainesville.
Q You know who had the inscription put there showing his age, your stepmother? A I don't know.
Q What is her name? A Sophrena.
Q S-o-p-h-r-o-n-i-a? A E-a or E-i-a, one of the other.
Q According to your statement your fatkr would have been born in 1829 and your mother you think was aboutbtwo years older than he? A Yes, sir.
Q Then she must have been born about 1827, is that right do you think? A Yes, I think that is something near right.
Q Your fatkr was married how many times,? A Twice.
Q Now how much Choctaw blood do you claim your mother had? A One-quarter.
Q What was the name of her father? A Her fatkr was named McCrary.
Q His given name? A Matthew.
Q Did he have any Choctaw blod? A No, sir; he was an Irishman.
Q Did you ever see him? A I just can remember him.
Q What was your mother's mother's name? A Her name was,--before she was married?
Q No, sir; give us her given name? A Her given name was Jane.
Q Did she have any middle initial? A Jane E.
Q You know what that "E" stood for? A I don't know; I think for Elizabeth, that Elizabeth was put in some way, I don't recollect how. That is the way that she signed her name.
Q Jane E.? A Jane E., Yes, sir.
Q How much Choctaw blood did Jane have? A She claimed one-half.
Q When did she die? A I don't know sir.
Q Did you ever see her? A I don't know whether I ever seen her.
Q Where did she die? A In Mississippi I think, that is my recollection.
Q Was she ever in Texas? A No, sir.
Qx Or in Indian Territory? A Not that I know of; my grandfather was.
Q Matthew? A Yes, so I have been told.
Q Did Jane die before or after your grandfather? A I don't know sir.

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Q Was Jane ever married more than once? A I don't know.
Q You never heard of her ever having been married more than once? A No, sir.
Q You know how old she would be if living now? A No, sir.
Q Can you give us any idea? A No, sir; I don't know that I could; I have no idea and could not give any.
Q You know how old she was when she married Matthew McCrary? A No, sir.
Q Where she married him? A In Mississippi I think..
Q You know the county in which they were married? A No, sir.
Q Did you ever hear of Matthew having claimed any Indian blood? A No, sir; he never claimed any Indian blood. It was said that he was a big red headed Irishman.
Q You never heard of his having Chickasaw blood? A No, sir.
Q If he had had any Chickasaw blood you probably would have heard of it would you not? A I might have heard it.
Q Through which one of her parents did Jane N. McCrary get her Choctaw blood? A I don't know;her name was Frazier.
Q You know the name of her father? A Her father was Charles Frazier, according to my information from the witnesses.
Q You know the name of Jane's mother? A No, sir; I do not.
Q You don't know whether Charles Frazier or Jane's mother had the Choctaw blood? A No, sir; I do not." +
Q When did you first learn that the name of Jane N. McCrary's father was Charles Frazier? A I have always heard that; I don't know how long,--a long time.
Q Is it a matter of family history that the father of Jane was Charles Frazier? A I just heard it spoken once in a while.
Q You never saw him? A No, sir.
Q You know where he was born? A No, sir.
Q Did he live in Mississippi all of his life? A He was living there and died there.
Q Did Jane live in Mississippi all of her life? A I think she did.
Q How long did your mother live in Mississippi? AShe left there in sixty-seven I think and then came down here into Texas. She came from Mississippi and left there I think in the latter part of sixty-seven and came to Texas in the early part of sixty-eighth.
Q Lived there until her death? A Yes, sir.
Q Prior to that time she lived in Mississippi? A Yes, sir.
Q In what part of Mississippi did your mother live? A In Chickasaw county.
Q Was she born in Chickasaw county? A I don't know, I think she was, she was born in Mississippi somewhere.
Q Where was Jane born do you know? A No, sir; I don't know what county.
Q Ever hear of her ever having lived in any other county in Mississippi than Chickasaw County? A No, sir; I don't know that I did.
Q You know where Charles Frazier lived, in what County he lived? A No, sir; all I know about these people is what I have been told by people that knew them.
Q Did your mother have any brother's or sisters? A Yes, sir.

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Q How many? A She had one brother I think and some sisters but I forget how many there were of them.
Q What was your mother's brothers name? A His name was, I forget what his given name was; I forget what the girls name was, I have never seen them since I was very small.
Q Do they live in Mississippi? A I don't know.
Q Were any of them older than your mother? A I don't know sir.
Q You don't know whether she had any brother's or sisters older than she or not? A No, sir; I don't know; may be all of them were younger than she was; I think she was the oldest of all the children, but I am not sure of that.
Q Did Jane E. McCrary have any brothers or sisters to your knowledge? A Not to my knowledge but the testimony of others shows that she had both brothers and sisters.
Q You know their names? A I have heard their names but I think I have forgotten them, let see, that is my grabdmother's sisters and brothers that you are askin about?
Q Yes? A Their names--one boy was Andrew I believe, and the others I have forgotten, I believe Andrew is one of their names. I might remember the other names after a while.
Q You don't think of any of them now? A My grandmother's sisters some of them was named, one Emily, and one named Marthie I think.
Q You remember the names of any other of Jane's brothers or sisters? A I ought to remember one or the other's names but I have forgotten them now.
Q When did you first learn the names of your grandmother Jane E. McCrary's brothers and sisters? A When we learned them all, about the same time.
Q When was that? A Why I don't remember that, as long as I can remember hearing them spoken of.
Q It has been a number of years? A Yes, a long time.
Q You heard your parents speak of them during your childhood? A Yes, I heard my mother speak of them.
Q You know whatever became of Jane's brothers and sisters? A No, sir.
Q You know anything about their places of residence? A No, sir.
Qx Did Jane have any brothers or sisters older than she? A I don't know I think she was the oldest may be of her people and my mother I think was the oldest of her brothers and sisters.
Q Did Charles Frazier ever have any brothers or sisters that you know of? A I don't know sir.
Q You never heard of him having any? A I think he did but I don't know it.
Q You know the names of any of them? A No, sir I do not.
Q Can you tell us the year in which Jane E. Frazier was married to Matthew McCrary? A No, sir.
Q You know of any way by which you could secure this information? A I don't know of any now, I might find out.
Q Have you any family records that would show the ages of your mother Martha Jane McCrary and her mother Jane E. McCrary nee Frazier? A We used to have but they are lost, we had them in an old Bible but we lost the book a long time ago.
2 Q You know how much Choctaw blood your great grandfather Charles Frazier claimed to have? A I think he claimed to be a full blood Indian.
Q Then his wife the mother of Jane E. was a white woman? A I don't know sir, but that is the way that I have been told that, that Frazier was a full blood and my mother might have been more than one-quarter Indian but that is what she claimed.

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Q When you were before the Commission in March 1902, you presented an affidavit of Sophrona Harper in support of your application did you not? A Yes, sir.
Q This affidavit was acknowledged before J. W. Allen at Orr, Indian Territory, on the 28th day of February 1902? A Yes, sir.
Q Were you present when it was acknowledged? A Yes, sir.
Q You seen her signed her name to that affidavit? A Yes, sir.
Q Who prepared that affidavit Mr. Harper? A I don't know what his name was.
Q Where was it prepared? A In Ardmore, I think.
Q Was it your lawyer? A No, sir; I don't think my lawyer did.
Q Were you present when it was prepared? A No, sir.
Q Where does Sophrona Live at this time? A I don't know where she lives now, she lived at that time at Woodbine Texas.
Q How long since you have heard from her? A Not since early in the spring; then she was somewhere North of here in Oklahoma.
Q At what point? A Yukon, I think is the last place that we heard of her. The letter was not written to me, it was written to her son, my half brother.
Q Where does he live? A Somewhere in Oklahoma.
Q You have not heard from her since that time? A No, sir.
Q You don't know whether she lives in the town of Yukon or near there? A I think she lives with her son near there.
Q You know which direction? A No, sir.
Q What is thatson's name? A A William.
Q William Harper? A Yes, sir.
Q Has he any middle initial? A Yes, sir.
Q What is it? A "B"
Q How long did she stay in the Chickasaw Nation when she was up there to make this affidavit? A She did not stay but two days, she came one day and left the next.
Q Did she stay with you then? A No, sir; she was there in a wagon.
Q You also presented at that time the affidavit of J. R. Mitchell? A Yes, sir; they were there together about the same time.
Q Same day? A Yes, sir.
Q Where does he live at this time? A He ,lived then in Oklahoma but I don't know where he lives now.
Q You know just where he lived in Oklahoma? A He lived in Pottawatomie County; I forgot what the post office was if he ever told me.
Q You know in what part of the County he lived? A No, sir; I do not.
Q Well who prepared his affidavit? A This same party that prepared the other one.
Q At Ardmore? A Yes, the Notary filled them out.
Q Well all he filled out was to fill in the name of J. R. Mitchell in the Jurat here and sign his name? A Yes, sir.
Q You saw Mr. Mitchell sign this affidavit? A Yes, sir.
Q Can you remember the name of the man who prepared this affidavit? A No, sir; I don't know what his name is.
Q You know any way by which Mr. Mitchell could be located? A No, sir, I don't know; he went, I think he went, to Texas from Orr. He used to live in Texas also, he used to live at Woodbine, not far from Woodbine he left there and went to Oklahoma.
Q

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Q You know of any one else who would likely be informed as to your family history, any real old person? A No, sir; I don't know of any one; I have heard of two or three more that said they knew my people back there in Mississippi but I have never seen them.
Q What are their names? A I have forgotten their names, I think one of their names was Metz. It is spelled M-e-t-z, one old man who said that he knew my parents and their people in Mississippi.
Q You know his given name? A No, sir.
Q Where does he live? A Somewhere down in Texas.
Q You remember any other person? A No, sir I don't believe I can call any names.
Q These affidavits of your stepmother and J. R. Mitchell were prepared in Ardmore you say? A I think somebody there wrote them out.
Q The questions written out and the answers written out there and then when your stepmother and Mr. Mitchell appeared before the Notary Public he read them over to them and signed them? A I think they was questioned by the same party that wrote these papers out, they came through Ardmore in wagons, both of them. I was going to take them to the Commission with me but the old man got sick and then I had these affidavits made.
Q How does it happen that when they were questioned in Ardmore they were not sworn to these affidavits there at the time? A I don't know sir; they came right on out there and signed these and swore before Notary Public Allen.
Q Were these affidavits prepared under your directions? A No, sir.
Q Do you know who had them prepared? A No, sir; I do not.
Q Do you know anything further at this time with reference to a compliance on the part of any of your ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek than is disclosed by the testimony given by you before the Commission March 4, 1902? A No, sir; I don't know whether they ever got any benefits under it or not.
Q Are there any further statements you desire to makeat this time in support of your application? A Nothing unless I could be granted more time to get some evidence that I asked the Commission about when I was up there in March I asked for more time then and they asked as though I did not deserve any more time.
Q If you should find any witnesses whose testimony would be important you had better just immediately write to the Commission and see if they will permit you to offer this additional testimony. It is possible that they will but if you want to introduce any further evidence you had better not lose any time in letting the Commission know what it is? A Alright.
Q The nature of the evidence, the names of the witnesses and their places of abode?--

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on August 14, 1902, at Chickasha, Indian Territory, and that the foregoing is a full, true and correct transcript of his stenographic notes in said cause at said time.

G. Rosenwinkel

Subscribed and sworn to before me this 21st day of August 1902.

Guy L. Emerson
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I. T. August 16, 1902.

In the matter of the consolidated cases of Walter F. Harper, et al., applicants for identification as Mississippi Cherokees, embracing the applications of

Walter F. Harper, et al.,	M C R	39,
William T. Harper, et al.,	M C R	38,
John L. Harper, et al.,	M C R	40,
Mary F. Gladfelter, et al.,	M C R	4195.

Sephrena S. Harper, witness in the above entitled cause, having been first duly sworn by S. J. Gillen, a Notary Public in and for the County of Comanche, Oklahoma Territory, testifies as follows:

Examination by the Commission

Q What is your name? A Sephrena S. Harper.
Q How old are you Mrs. Harper? A Forty-six in November,--Ma, fifty-seven I reckon.
Q What is your post office address? A Texas, Oklahoma I reckon. My address in Texas is Gallinsville, Grayson County, Texas.
Q You live in Oklahoma at this time do you? A Yes, sir.
Q In Comanche County? A Yes, sir.
Q How long have you lived in Oklahoma? A I came here on the 22nd day of February of this year and came to old Oklahoma in December.
Q Where did you live before that? A In Texas.
Q In what County? A Cook County,--right on the line of Cook and Grayson County.
Q How long did you live in Cook County Texas? A About thirty-two or three years.
Q Where did you live before that? A I was born and raised in Missouri.
Q In what County? A Barry County.
Q You never lived in Mississippi did you? A No, sir.
Q Have you any Cherokee blood? A Not that I know of.
Q You don't make any claim as a Cherokee? A No, sir; I don't make any claim.
Q Are you acquainted with the applicant Walter F. Harper? A Yes, sir.
Q With the applicant John L. Harper? A Yes, sir.
Q With the applicant Mary F. Gladfelter? A Yes, sir.
Q What relation are they to each other? A They are brothers and and sisters but they are not my children.
Q They are full brothers and sisters? A Yes; as far as I know they are; they were born in Mississippi or Alabama.
Q What was the name of their father? A Robert Harper.
Q Did he have a middle initial? A Robert B. Harper.
Q What was the name of their mother? A Martha.
Q Did she have a middle initial? A I could not tell you.
Q After her death you married her husband Robert B. Harper did you not? A Yes, sir.

Q Did Robert B. Harper have any Choctaw blood? A I don't know.
Q You never heard of his having any? A No, sir.
Q Did his first wife Martha have any Choctaw blood? A I reckon so, she claimed Indian.
Q Did she claim to be a Choctaw Indian? A I don't recollect of ever hearing her say.
Q How much Indian blood did she claim to have? A I never did hear her say.
Q When did she die Mrs. Harper? A She died in sixty-eight or sixty-nine.
Q You know about how old she was when she died? A No, sir.
Q You know about how old? A No, sir.
Q Were you acquainted with her? A Just saw her that is all.
Q When did you first see her? A About six months before she died.
Q Was she ever married more than once? A I could not tell you.
Q When did your husband Robert B. Harper die? A He died in eighty-five.
Q How old was he when he died? A He was fifty-two, --I think that was his age.
Q Are you quite sure that that was his age? A I am not right certain but I think it is.
Q You remember the year in which he was born? A I have it on his tomb but I don't recollect.
Q Where is his tombstone? A He is buried in Cook County.
Q How far from Woodbine? A Close to the Rye School House, about five miles South of Woodbine.
Q You say that his tombstone shows the date of his death? A Yes, and of his birth.
Q You know whether his first wife Martha was older or younger than he? A I don't know.
Q Do you know where Matha was born? A No, sir; I do not.
Q Did you ever hear of her ever having lived in Mississippi? A Yes; they lived in Mississippi; of course I don't know that they lived there, I never did see them there but they said they lived there.
Q Did they tell you from which County they came? A I reckon I have heard Mr. Harper say but I don't recollect.
Q Do you know the name of the father of Martha? A No, sir I do not.
Q Did you ever hear his name? A It seems like McCrary was his name.
Q Did you remember his first name? A No, sir; I don't; I never did see any of them.
Q Do you know the name of Martha's mother? A No, sir; all I know about her people is what Mr. Harper and the children say.
Q Do you know whether Martha ever had any brothers older than she was? A I don't know whether she did or not.
Q Do you know whether she ever had any sisters older than she was? A It seems to me like she did.
Q Do you know that they were older than Martha would you swear to that? A No, sir; I would not.
Q Do you think that you would know the name of Martha mother if you would hear it called? A No, sir.
Q Do you know which one of Martha's parents claimed to have Choctaw blood? A It came on her mother's side it seems.

Q Do you know the name of Martha's grandfather on her mother's side,--her grandfather on her mother's side, that would be her mother's father? A That would be the children's mother grandfather?
Q No, let's see--Yes, that is right? A I don't know for I really don't know much about them.
Q Do you know which one of Martha mother's parents claimed to have Choctaw blood? A No, sir; I don't, I think though it was her mother but I would not be positive about that.
Q That is Martha's mother's side? A I think so.
Q Did you know Martha's mother's father? A No, sir; I did not know any of her folks at all.
Q Did Martha's mother ever live in Indian Territory? A I could not tell you that.
Q Did she ever live in Texas? A I don't know whether she ever came to Texas or not.
Q You don't know then the names of any of the ancestors of these children, William, Mary Walter, and John, except their mother and father? A That is all that I know.
Q Do you know whether Martha's mother was ever married more than once? A I do not.
Q Do you know the year in which Martha's father and mother were born ? A No, sir.
Q Did you ever hear any of the family make the statement that they ever owned any lands in Mississippi? A I don't recollect that they ever did.
Q Did you ever hear of any of them ever having claimed any land down in Mississippi in an early day? A No, sir; I did not.
Q Please tell us anything you may remember which was stated to you by your husband Robert E. Harper with reference to the Indian blood possessed by his first wife? A I don't recollect that we had any talk about it. His daughter always claimed that she was Indian, you know; when she got a little mad she said that was the Indian that was in her.
Q That is Mary F. Clodfelter? A No, sir; she is dead.
Q What was her name? A Lennie, she died before she was ever married, when she was young. I could not tell anything about her people or even mighty little about my husband's people; I never did see any of them.
Q Do you know the names of any of Martha's brother's or sisters? A No, sir.
Q Or the names of any of her mother's brother or sisters? A No, sir
Q You don't remember of ever hearing them say from what county in Mississippi they came? A It seems like I have heard but I can't recollect. It has been thirty years since I had any talk about that.
Q Mrs. Harper did you on the 28th day of February 1902, make an affidavit before J. W. Allen, Notary Public at Orr, Indian Territory? A No, sir;---at Orr, Indian Territory?
Q Yes, sir? A No, sir; I never was at Orr.
Q Never at Orr during your life? A I don't think I was.
Q Do you write you own name? A Yes, sir
Q I present to you here an affidavit, purported to have been signed by one Sophrona Harper, subscribed and sworn to on the 28th day of February, 1902, before J. W. Allen, a Notary Public, within and for the Southern District, Indian Territory, marked exhibit "A" filed with the Commission to the Five Civilized

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Tribes in the matter of the application for identification as Mississippi Choctaws of Walter F. Harper, et al., on the 4th day of march 1902. Please examine this affidavit and state whether or not that is your signature? A I don't know it.
Q It is not? A I don't reckon it is.
Q You know your own signature? A I never sign my name that way; I always sign my name S. S. Harper but my name is Sephrona.
Q You never were in the Southern District, in Indian Territory, before this Notary Public to make an affidavit were you? A No, sir.
Q I will read this affidavit to you. It is, as follows:

"The State Indian Territory

County of Pickens.

Personally appeared before me, the undersigned authority, Sophrona Harper, who having been by me duly sworn to true answers make to the following interrogatories propounded in the case of Walter Harper, et al., Tom Harper, et al., John L. Harper, et al., and Mary Gledfelter, et al., applicants to for identification and enrollment as Mississippi Choctaws before the Commissionto the Five Civilized Tribes; Witness answers as follows;

Interrogatory 1. What is your name, your age and where do you reside?
Answer. My name is Sophrona Harper; I am 68 years old; I reside in Texas near Woodbine; Woodbine is my post office.
Are you acquainted with the applicants above indicated and with their parents if so please state the extent of your acquaintance.
Answer. I am personally acquainted with the applicants and their parents. I am the widowed stepmother of applicant. I married their father, Robert B. Harper, after the death of his first wife, Martha McGrery; Have known the family all my life, and of course after becoming a member of the family by marriage, was intimately acquainted with them.
Interrogatory 2nd. Were you acquainted with the grandparents of applicant, the father-in-law and mother-in-law of Robert B. Harper, by his first wife, and if yes, state what you know of their nationality, and how you obtained your information.
Answer. I knew the parents of my husband, Robert B. Harper first wife; I always knew his mother-in-law to be a Mississippi Choctaw Indian and his father-in-law to be a white man. I have often heard my husband, Robert B. Harper, the father of these applicants, speak about his first wife being an Indian and also about her grandfather, who he said was name Charles Frazier and was a Choctaw Indian residing in Mississippi. I also heard his mother , mother in law, Jane, speak of her father. They often spoke of having rights in the Choctaw Nation, Indian Territory. All that I know is from the history of the family and from what my husband and his mother, mother in-law, Jane McGrery nee Frazier, told me. I did not know Charles Frazier of myself but only by reputation, from the members of the family.------signed Sophrona Harper"

Q Did you make that affidavit? A I never did know that.

Q Did you make that affidavit? A No, sir; I never did.
Q If you had made it you would know it? A It seems like I would.
Q As a matter of fact you have testified that you do not know Martha's father or mother or any of her grandparents? A No, sir; I don't know them.
Q And do not know their names? A No, sir, I saw her and heard them talk right smart, I knew they claimed Indian.
Q Mrs. Harper I will ask you to sign your name on that blank page?

Witness here attached her signature to portion of blank sheet heretofore marked exhibit "X" and which has been numbered page 60, in the record of this case, signing same S. S. Harper and Sophronia S. Harper.

Q A I always sign my name as S. S. Harper but when I registered I put it Sophronia.
Q When you registered where? A When I registered at El Reno.
Q This signature to this affidavit which I have heretofore referred to as exhibit "X" being pages fifty-nine and sixty of the record in the Walter P. Harper case is not your signature? A No, sir.
Q Do you know who signed that name there? A No, sir.
Q You did not authorize any one to sign your name to that affidavit? A No, sir.
Q You never appeared before J. W. Allen, Notary Public in the Southern District, Indian Territory and made any affidavit of any kind? A No, sir; I never saw Allen.
Q You stated that you never were at Orr in the Chickasaw Nation? A No, sir; I never was.
Q Were you ever at Ardmore in the Chickasaw Nation? A Yes, sir.
Q When were you there? A Last Winter.
Q What time? A The 12th of December 1901.
Q Have you ever been in the Chickasaw Nation since that time? A No, sir; I have been in Oklahoma. I was in the Chickasaw Nation too in February; we moved in December from Texas to Oklahoma and then moved down from old Oklahoma down to this Country in February arriving here on the 23rd day of February.
Q You are sure it was the 23rd day of February you got here? A Yes, sir.
Q On your way you came through the Western edge of the Chickasaw Nation? A Yes, we came right through Chickasha within about twenty-five miles of it.
Q Did you make any affidavit on your way down through the Chickasaw Nation? A No, sir.
Q Did not appear before any officer? A No, sir.
Q Do you know of any other Sophrona Harper living in Cook County Texas? A No, sir.
Q Never heard of any other Sophrona Harper living down there? A No, sir.
Q You know of any other Sophrona Harper living in the Chickasaw Nation? A No, sir.
Q Was Robert E. Harper ever married more than twice; first to Martha J. McCrary and then to you? A No, sir; he never was married more than once besides to me so far as I know.
Q Your post office on the 28th day of February 1902 was Faxon, Oklahoma instead of Woodbine Texas? A Yes, sir.

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Q How long since you have seen your step son John L. Harper? A I first came up from Texas to Oklahoma in May 1901 and stayed here a few months looking over the country and then went back to Texas and stayed there until December when I came back to Oklahoma. I have not seen John I think for several months before I came to Oklahoma the first time, that I last saw John.
Q Mrs. Harper you are sure you have not seen John Harper since you left Texas in December last? A Yes, sir.
Q Where did you see him? A Saw him in Oklahoma.
Q When was it; was it before you came down here to Commanche County or have you seen him since you came here; has he ever been here since you moved out here in February last? A Yes I saw him.
Q Where did you see him? A I saw him in the road.
Q In this County? A Yes, sir.
Q In Commanche County? A Yes, sir.
Q How long ago? A Two or threemonths ago.
Q You did not make any affidavit at that time? A No, sir.
Q Are you acquainted with a man by the name of J. R. Mitchell, a real old man? A Jim Mitchell.
Q Yes, I think so? A I use to know him.
Q Where did you know him? A In Texas.
Q Cook county? A Yes, I don't know where he is now.
Q How long since you have seen him? A I saw him about ten years ago the last time. If you could come across him he could tell you a great deal more than I could.
Q He is considerable older than you are? A I don't know whether he is very much older than I was.
Q Do you know where he moved to from Cook County Texas? A Moved to the Chickasaw Nation, that is the last we ever heard from him.
Q You are sure you have not seen him for over nine or ten years? A It has been all of nine years since I last saw him; I don't know where he is.
Q How long did he live down there in Texas? A Fifteen or twenty years but he moved to this country.with them.
Q Did he move from Mississippi with them? A Yes, sir.
Q You think he would likely know the names of your husbands ancestors? A He saw their grandmother and moved part of the way with them.
Q Did you ever start to Muskogee, Indian Territory, for the purpose of giving in your testimony in this case? A No, sir.
Q You never have given any testimony before today with reference to this Mississippi Choctaw application? A Not before any officer or Notary Public.
Q You mean then that you never have given in any testimony but you have talkedto the members of the family about it? A Yes, sir.
Q Whom did you talk to about it? A To John Harper and Tom.
Q Do you understand the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.
Q You never heard of it? A No, sir.

This treaty of Dancing Rabbit Creek was made down in Mississippi nearly seventy-two years ago between the government of the United States and the Choctaw Indians. The object of this treaty was to get these Choctaw Indians to move from the country then occupiedby them in Mississippi and Alabama where they lived out West to this new Country which is now known as the Choctaw-Chickasaw country. At the time this treaty was made some of the

Indians were unwilling to leave the old Nation and for the benefit of those Indians who wanted to stay back there in the old Nation, in Mississippi and Alabama, and not move out west to the new country what is known as the fourteenth article was put into the treaty. This fourteenth article provided that upon certain conditions these Indians could receive land from the government back there in Mississippi. This fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside on said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You think that you understand the fourteenth article? A No, sir I don't think I do fully.
Q I will explain it to you so that you will understand it?

If an Indian who lived back there in Mississippi and Alabama in this old Nation, at the time this treaty was made, in 1830, seventy-two years ago decided that he did not want to come to this new country with the rest of the tribe he had a right to stay there, take land and become a citizen of the States upon certain conditions. First, he was required to within six months from the time this treaty was ratified, the treaty was ratified on February 24, 1831, let the agent of the government know, the government had an agent there at that time whose name was Colonel Ward, that he wanted to stay there and take land, then he was entitled to a reservation of one section of six hundred and forty acres of land, a piece of land a mile square, to be bounded by sectional lines of survey; and for each child which was living in his family over ten years of age and unmarried at the time this treaty was made, September 27th, 1830, he was entitled to an additional three-hundred and twenty acres of land or one-half section and for each child in his family under ten years of age he was entitled to one-quarter section or one-hundred and sixty acres. The reservations of the children were required by the terms of this fourteenth article to adjoin the location of the parents and the reservations so made for those Indians there in Mississippi under this fourteenth article were to include the improvement of the head of the family when the treaty was made or a portion of that improvement. Now if these Indians lived on this land for five years from the 24th day of February 1831, the date the treaty was ratified, they were entitled to a grant in fee simple to that land, that is the government would give them a deed or patent to the land and it

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would become the property of the Indians and they could dispose of it at their own pleasure. The last clause of this fourteenth article provides:

> "Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That is Indians who stayed back there, seventy two years ago, took land in the old Nation in Mississippi and Alabama from the government under the fourteenth article should not by reason of their having done so lose the privilege of Choctaw citizens but if they ever moved out here to this new Nation later were not to be entitled to any portion of the Choctaw annuity. Annuities is money which becomes due each year to the Indians from the United States government under treaty provisions.

Q Do you know whether any of the ancestors of John L. Harper did as this fourteenth article required a Choctaw Indian todo if he wanted to stay there and take land under it? A No, sir; I don't know a thing about that.

Q You don't know whether any of them were living there sevenety-two years ago? A I think the McCrary's lived there always.

Q Until the came to Texas? A That is just rumor what I heard Mr Harper talk.

Q You know whether they ever owned any improvements there, any land? A No, sir; I do not.

Q You never heard of any of them ever making any claim to land in Mississippi? A No, sir; I never heard them say that did or did not.

In accordance with the provisions of this fourteenth article of the treaty the government of the United States directed an agent named Colonel William Ward to register the names of such Indians who might desire to stay there, take land and become citizens of the States. The records in the possession of the government show that this agent was very careless in his methods and failed to register the names of many of these Indians who wanted to stay back there in the old Nation, take land and become citizens of the States and on this account the government at its Public land sales in Mississippi in many instances sold the land upon which Indians had improvements and which they supposed they would receive under article fourteen of the treaty. This caused a great many complaints among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to go down there to Mississippi and hear the cases of Choctaws who claimed that they had complied with all the provisions of article fourteen butthat their land had been sold by the government. These Commissioners were appointed by the President of the United States and wentdown to Mississippi between the years 1837 and 1842 and heard a great many of these Choctaw cases.

#10

Q Do you know whether any of the ancestors of Walter P. Harper appeared before any of these Commissioners and attempted to establish their right to land under this article fourteen? A No, sir; I don't know anything about it.

Q If any of them ever received any benefits as Choctaw Indians you never heard of it? A No, sir; I never heard of it at all.

Q Mrs. Harper do you know of any old persons living who might know whether any of the ancestors of your step son Walter P. Harper ever complied or attempted to comply with this treaty provision or ever received any land under it? A None unless it would be Mitchell.

Q Are there any further statements you care to make Mrs. Harper with reference to this application? A No, sir; I don't know of any.

The witness is a white woman of average intelligence. This testimony is taken at her home about two miles South-East of Faxon, Commanche County, Oklahoma on the South-West 1/4, section 24, township 1 South, Range 14 West.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause at Faxon, Oklahoma Territory, on August 16, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause at said time and place.

G. Rosenwinkel

Subscribed and sworn to before me this 21st day of August 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, November 14, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 11th instant in which you desire to be advised if one, Walter Harper, has applied to this Commission for citizenship in the Choctaw or Chickasaw Nations.

Replying to your inquiry, you are informed that it appears from our records that at Colbert, Indian Territory, on June 14, 1900, Walter P. Harper, 39 years of age, of Grady, Indian Territory, made personal application to this Commission for the identification of himself, his wife, Florence and his minor child, Hortie Harper, as Mississippi Choctaws. The names of these applicants are not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission nor have they ever been duly and lawfully admitted to citizenship in that nation by either the tribal authorities thereof, the Commission to the Five Civilized Tribes or by a judgment of the United States Court under the provisions of the Act of Congress of June 10, 1896.

At the time of the personal appearance of Walter P. Harper at Colbert, Indian Territory, the Commission stated that "From the testimony in this case the Commission is unable to identify you or your child as Mississippi Choctaws nor your wife as an intermarried Mississippi Choctaw."

On September 4, 1900, the applicant, Walter P. Harper, was furnished a written decision of the Commission refusing the application for the identification of himself, his wife and his child as Mississippi Choctaws, and on December 3, 1900, the record so made was forwarded to the Secretary of the Interior for his consideration. Such record is still in the possession of the Department.

Yours truly,

Acting Chairman.

N C R 39

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 2 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 3 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS

Penalty for private use
$300 F.M.
1901

MCR 39.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 19, 1901.

M. P. Harper,

Ravia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13th in which you enclose the following papers:

The affidavits of A. Tennie Martin and I. R. Martin, which you offer for filing in support of the applications for identification as Mississippi Choctaws of William T. Harper, et al., John L. Harper, et al., and Mary F. Clodfelter, et al; the affidavit of A. Tennie Martin offered for filing in support of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., and the affidavit of M. C. Benson, offered for filing in support of the application for identification as Mississippi Choctaws of Annie E. Stanphill, et al.

Yours truly,

Acting Chairman.

M.C.38.
M.C.29.
M.C.40.
M.C.4049.
M.C.4115.

MUSKOGEE, IND. T.
FEB 25 1902
RECD.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 27 1902

ACTING CHAIRMAN

RAVIA
IND. T.

R. 39

Department of the Interior.

Commissioner to the Five Civilized Tribes

MUSKOGEE, IND. TER.

[illegible]

[illegible] per, $300.

Mr. Walter S. [illegible]

[illegible]

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 20, 1902.

Walter P. Harper,

Ravia, Indian Territory.

Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor child, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday March 3, 1902, at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 39.

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

The Commissioner
of Indian Affairs.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Walter L. Harper, et al., record of which was returned with letter of your office dated July 20, 1901, with instructions for further hearing, you are informed that this case will be considered together with the cases of

John L. Harper, et al.,
William T. Harper, et al.,
Mary F. Gladfelter, et al.,

applicants to this Commission for identification as Mississippi Choctaws claiming descent from the same female ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, their attorneys and the attorneys for the Choctaw and Chickasaw Nations, that the testimony of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory, on Monday, March 3, 1902 at nine o'clock A. M.

Yours truly,

M. C. 39.

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw
and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, March 3, 1902, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the cases of

Walter F. Harper, et al.,
John L. Harper, et al.,
William T. Harper, et al.,
Mary F. Cliffelter, et al.,

applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

K. S. 39.

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

J. O. Poole,

Attorney at Law,

Nacona, Texas.

Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, March 3, 1902, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as present themselves in person in the cases of

Walter P. Harper, et al.,
John L. Harper, et al.,
William T. Harper, et al.,
Mary F. Gladfelter, et al.,

applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M. C. 39.

Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1902.

Chester F. Rowe,
623 F. Street, N. W.
Washington, D. C.

Sir:

You are hereby notified that in accordance with instructions of the Commissioner of Indian Affairs, on Monday, March 3, 1902, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, there will be heard the testimony of such witnesses as may be produced in person in the cases of

Walter P. Harper, et al.,
John L. Harper, et al.,
William T. Harper, et al.,
Mary P. Cloudmiller, et al.,

applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M. C. 39. Commissioner in Charge.

Muskogee, Indian Territory, January 20, 1903.

Walter F. Harper,

Ravia, Indian Territory.

Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor child, and for the identification of your wife as an intermarried Mississippi Choctaw, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record therein forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Monday March 3, 1903, at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 39.

Commissioner in Charge.

M C R 39.

COPY.

Muskogee, Indian Territory, May 24, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter P. Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter P. Harper, et al.,	M C R 39
William T. Harper, et al.,	M C R 38
John L. Harper, et al.,	M C R 40
Mary F. Clodfelter, et al.,	M C R 4105

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

> 'Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of

M McM & C---2

COPY.

Walter P. Harper, Hertie Harper, William T. Harper, Henry Harper, Mary Harper, Lona Harper, Myrtle Harper, Beulah Harper, Irene Harper, John L. Harper, Jessie L. Harper, Mary F. Clodfelter, Minnie Clodfelter, Mattie Clodfelter, Tobe Clodfelter, Hattie Clodfelter, Willie Clodfelter Clodfelter, Jesse Clodfelter and Birdie Clodfelter, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Walter P. Harper for the identification of his wife, Florence F. Harper, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission had on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby

Acting Chairman.

COPY. M. C. R. 59.

Muskogee, Indian Territory, May 24, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Walter F. Harper, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13th, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Walter F. Harper, et al.,	M	C	R	39
William T. Harper, et al.,	M	C	R	38
John L. Harper, et al.,	M	C	R	40
Mary F. Gledfelter, et al.,	M	C	R	41½

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nation

COPY.

Secretary of the Interior----2

have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED). Tams Bixby.
Acting Chairman.

Through the Commissioner of
Indian Affairs.

1 enclosure.

M C R 39.

COPY.

Muskogee, Indian Territory, May 24, 1903.

Chester Howe,

Attorney at Law,

623 F. Street, N. W., Washington, D. C.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter F. Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter F. Harper, et al.,	M C R 39
William T. Harper, et al.,	M C R 38
John L. Harper, et al.,	M C R 40
Mary F. Gledfelter, et al.,	M C R 4108

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Walter

G H——S

COPY.

P. Harper, Martie Harper, William T. Harper, Henry Harper, Mary Harper, Lona Harper, Myrtle Harper, Beulah Harper, Irene Harper, John L. Harper, Jessie L. Harper, Mary F. Clodfelter, Minnie Clodfelter, Mattie Clodfelter, Tobe Clodfelter, Mattie Clodfelter, Willie Clodfelter, Jesse Clodfelter and Birdie Clodfelter, as Choctaw Indians e titled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no persons entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Walter P. Harper for the identification of his wife, Florence E. Harper, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby

Acting Chairman.

Registered.

M. C. R. 39.

COPY.

Muskogee, Indian Territory, May 24, 1903.

J. C. Pool,

Attorney at Law,

Neosho, Texas.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter P. Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter P. Harper, et al.,	M C R	39
William T. Harper, et al.,	M C R	33
John L. Harper, et al.,	M C R	40
Mary P. Gledfelter, et al.,	M C R	4105

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Walter

COPY

P. Harper, Martie Harper, William T. Harper, Henry Harper, Mary Harper, Lona Harper, Myrtle Harper, Beulah Harper, Irene Harper, John L. Harper, Jessie L. Harper, Mary W. Gledfelter, Minnie Gledfelter, Hattie Gledfelter, Tobe Gledfelter, Hattie Gledfelter, Willie Gledfelter, Jesse Gledfelter and Birdie Gledfelter, as Choctaw Indians entitled to rights in the Choctaw Lands under the provision of law above quoted, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Walter P. Harper for the identification of his wife, Florence F. Harper, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby

Acting Chairman.

Registered.

The Honorable
The Secretary of the Interior

Sir:

With his letter of June 6. 1902. the Acting Commissioner of Indian Affairs returned the record in the consolidated Mississippi Choctaw case of Walter P. Harper, et al. In this letter it is stated that the purpose of this transmittal is to call the attention of the Commission to the testimony in the record tending to show that the common ancestor of the applicants is one Charles Frazier a Mississippi Choctaw; that the fact that said Frazier was the common ancestor of the applicants is supported by the testimony of John L. Harper, the affidavit of Josephrona Harper and that of J. P. Mitchell all of which was submitted to the Commission at the time the additional testimony was taken in this case.

The Acting Commissioner states that his office cannot say how

much credit should be given to the statements relative to Charles Frazier but if they are taken to be true it would seem that the applicants have established the fact that the said Frazier was their common ancestor and a Mississippi Choctaw by blood.

The Acting Commissioner states in his communication of June 6, 1902, states that the record evidence does not show that any of the applicants or their said common ancestor ever complied with the provisions of article fourteen of the treaty of 1830, nor that they were ever recognized as Miss. Choctaws under the acts of Congress of March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513), and that the decision of the Commission denying these applications is correct.

He states however, ~~but~~ that the records of his office show that of Charles Frazier did attempt to comply with the provisions of article fourteen of the treaty of 1830; that on page 137, volume

one of Choctaw Nation vs the United States under the head of No. 86, appears the following:

The Commission having had experience as to the unreliability of ex parte affidavits, upon receipt of the communication of the Acting Commissioner of Indian Affairs, sent a representative of the Commission with instructions to proceed to the home ~~Shoubine Indian, the former home of Sophronia Harper~~ to the home of Sophronia Harper and John L. Harper and J. R. Mitchell for the purpose of securing their testimony ~~to be used in~~ in this case.

On August 14, 1902 the additional testimony of John L. Harper was taken at Chickasha, I. T. and on August 16, 1902, the testimony of Sophronia S. Harper was taken at Faxon, Oklahoma. In her oral testimony she states that she did not sign the affidavit purporting to have been made by her and ~~was not signed by her, and that she~~

did not know the facts therein alleged; that she knows only from hearsay the history of the family of Robert B. Harper's first wife Martha ~~Mc Crary~~ Harper nee McCrary and that the statement in the affidavit that she was personally acquainted with the family of Martha Harper nee Mc Crary and her mother Jane Mc Crary ~~was~~ and had ~~often~~ heard the mother in law of Robert B. Harper Jane Mc Crary speak of her father Charles Frazier were false; that she had only known ~~Robert B. Harper~~ Martha Harper nee Mc Crary about six months prior to the date of her death and does not remember ever to have heard her make any claim to Choctaw ~~be~~ possessing Choctaw blood. She further states that she was never at Orr, I.T. and never saw J. W. Allen, the Notary Public before whom the purported affidavit of

Dophrona Harper was acknowledged.

In answer to a question as to whether she was acquainted with J.R. Mitchell, the man with whom, according to the testimony of John L. Harper at Muskogee, I.T. at the re-hearing, she started to Muskogee, to testify in this case, she ~~answered~~ stated that she knew a Jim Mitchell but had not seen him for ten years. She also stated that she always signed her name Dophrona D. Harper, or D.D. Harper, and attention is called to her signature, at the time of this examination, which appears below the ~~purported~~ signature of Dophrona Harper, alleged to be this witness

The utmost effort was made by the ~~Commission~~ to ascertain the whereabouts of the said J.R. Mitchell, but he could not be located. It appears that there was no tax payer of this name

in Potawatomie County, Oklahoma, the residence given in the alleged affidavit of J. R. Mitchell and the Notary Public before whom the affidavit was acknowledged stated that he had no recollection of the appearance of the man who signed and swore to the alleged affidavit of J. R. Mitchell.

The testimony of the applicant John L. Harper is conflicting in several instances:

In his testimony taken at Muskogee March 4, 1902, on the rehearing he testifies that his mother would be about "seventy odd -- seventy three or four" and that his father was two years older than his mother, while in his testimony at Checkocha August 14, 1902, he stated that his mother died in 1869 and that was about forty three, four, or five when she died; he could not tell what year she was born but she would be about seventy four or five if living; that she was two years older than his father; cannot tell what year his father was born, but he was fifty six years old when he died in 1885. ~~Of his testimony~~ from which it cor-

~~rect. would make the~~ the fo-
rect. it would appear that Robert
P. Harper was born in 1829 and
Martha J. Harper being two years older
was born in 1827.

It appears from the ~~depos~~ affidavits
of Joseph Perry taken before Commissioners Murray
& Vroom that Jane Frazier, the
daughter of Charles Frazier, was
married about ~~the~~ 1835. It ~~also~~ ap-
pears from the affidavits ~~of~~ taken be-
of Charles Frazier taken before J. Murray
and P. D. Vroom that Jane Frazier, his
daughter, was married about the
time of the making of the treaty of
1830 to a half blood Chickasaw
whose name he does not remember.
It appears from the testimony of John
L. Harper that ~~he remembered~~ his
grandfather Matthew McCrary, hus-
band of Jane McCrary, nee Frazier,
~~and that he~~ was a white man
and he states that he remembers
seeing the said Matthew McCrary
when the ~~at~~ witness was a small
boy, and that his grandfather, Mat-
thew McCrary was a "big red
headed Irishman".

The affidavits of J.R. Mitchell in which appear the names of the children of Charles Frazier ~~appear~~ are given as Jane, Andrew Mary, Maxwell and Emily, has apparently been ~~prepared~~ made in accordance ~~with~~ to the records in Volume one of the Choctaw Nation vs the United States. The affidavit of Sophrona Harper filed in this case is ~~forged~~ a forgery according to ~~the~~ testimony ~~of Sophronia S. Harper, step mother of John L. Harper~~ of Sophronia S. Harper and the other applicants herein who is the identical person referred to in the alleged affidavit ~~filed herein~~,

and it would appear from her testimony contradicting the testimony of Jno L. Harper that Sophrona Harper and J.R. Mitchell started together to Muskogee and stopped at Orr, I.T. and made these affidavits, and

from the failure of the Commission to gain a clue as to the whereabouts of the said J.R. Mitchell as well as from all the circumstances surrounding the preparation of these affidavits that ~~they are~~ the affidavit of J.R. Mitchell is also ~~a~~ forged and they ~~have~~ should not therefore be considered in the disposition of this case.

~~The testimony of John L. Harper is conflicting and fails to show that Jane McCrary nee Frazier the grandmother of the applicants herein is the a daughter of the Charles Frazier referred to in Volume One of Choctaw Nation vs United States.~~

~~but if it is.~~

~~The testimony of John L. Harper is conflicting as to the age of his mother and it~~

The testimony of John L. Harper indicates that his mother was born about the year 1827 and that ~~his father~~ his grandmother Jane Frazier was married prior to that time to Mathew McCrary, a white man described by him "big red headed Irishman" while the records of the government show that Jane Frazier, the daughter of Charles Frazier who complied or attempted to comply with article fourteen of the treaty of 1830 was married subsequent to the year 1830 to a half blood Chickasaw Indian whose name is not given.

The attempt of the applicants as shown by the record herein, to manufacture testimony necessarily throws a doubt upon

upon all the record evidence (~~see letter of Acting Com. of Ind. Af. of July 19. 1902 in the case of Kate May~~) and it is the opinion of the Commission that the applicants herein have failed to show their descent from Jane Frazier daughter of Charles Frazier who ~~ca~~ attempted to comply with the provisions of article 14 of the treaty of 1830

The original record in the case is therefore herewith returned together with the additional proceedings had in this case with the recommendation that the decision of the Commission refusing the applications of the several persons included therein be approved.

Her father name was
Wheary -
Mother
No sir he was an Irishman
but can remember him
Refer to page 1023 following

Charles Frazier F.G. =

C O P Y.

Refer in reply to the following:
Land
31553—1902.

G.F.L.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS.

WASHINGTON, June 6, 1902.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There is transmitted herewith the record and proceedings had before your Commission in the consolidated Mississippi Choctaw case of Walter P. Harper, et al. The following cases are consolidated therein:

Walter P. Harper, et al.,
William T. Harper, et al.,
John L. Harper, et al.,
Mary F. Gledfelter, et al.

The purpose of this transmittal is to call your attention to the testimony in the record tending to show that the common ancestor of the applicants is one Charles Frazier, a Mississippi Choctaw. The fact that said Frazier was the common ancestor of the applicants is supported by the testimony of John L. Harper, the affidavit of Sophrona Harper, and that of J. H. Mitchell, all of which was submitted before your Commission at the time additional testimony was taken in this case.

The office cannot say how much credit should be given to the statements relative to Charles Frazier, but if they are taken to be true it would seem that the applicants have established

the fact that the said Frazier was their common ancestor and a Mississippi Choctaw by blood.

The record evidence does not show that any of the applicants or their said common ancestor ever complied with the provisions of article fourteen of the treaty of 1830, nor were they ever recognized as Mississippi Choctaws under the acts of Congress of March 3, 1837 and August 23, 1842, (5 Stats., 180 and 513) and therefore your decision denying these applications is correct.

The office records, however, show that a Charles Frazier did attempt to comply with the provisions of article fourteen of the treaty of 1830. On page 839, volume one of Choctaw Nation vs. United States, under the head of No. 86, appears the following:

"Charles Frazier, of Yallobusha County, states that on the 27th Sept., 1830, he was the Choctaw head of a family, residing on the waters of Loosa Schuma, in the Choctaw country, in Miss.; that within six months after the ratification of the late Choctaw treaty he signified to Col. Ward, agent for the Choctaws, his intention to remain 5 years, become a citizen of the State & take lands under the 14 art. of said treaty; that his name was duly registered by said agent, but cannot now be found on the register of claimants under said article; that he then belonged to Capt. Turnbull's company & lived on lands now embraced in section 16, township 24, range 7 east, where he had an improvement, & where he still continues to live, and that he had living with him at the time of the treaty four unmarried children, over ten years of age, named Jane, Andrew, Mary & Maxwell, & one child under 10 years of age, named Emily."

In his deposition Charles Frazier says that he is "a quarter-blood Choctaw, aged 50 years; that he resides in Yalo-busha County, Mississippi, 8 miles east of Coffeeville, on Loosa-schuma Creek, on the north side, about a mile and a half from the creek; at the date of the treaty he had five children living with him, the eldest named Jane, a female, born in 1811, is

not certain if she was unmarried at the time of the treaty; she married about that time a half-blood Chickasaw; does not remember his name; went immediately on her marriage to live in the Chickasaw country; previous to her marriage after the death of her mother she lived sometimes with her grandmother She-la-cha-colbert, about 2 miles south of the Chickasaw old fields, in the Chickasaw country and sometimes with him; after the death of her mother Jane resided the principal part of her time with her grandmother to avoid the sickness in the Chickasaw country until her marriage."

The deposition of Stephen Perry, a half-blood Choctaw follows that of Charles Frazier and he testifies in substance that he knew Charles Frazier; that he was well acquainted with his family except the youngest child, Emily, with whom he had no acquaintance; that Charles Frazier's first wife Nina, the mother of the children, used to come to his father's house and he recollects distinctly having seen her. He further states that the eldest child of Charles Frazier was named Jane; thinks she is now living with her grandmother the wife of Col. George Colbert, in the Chickasaw Nation; thinks it has been two years since she went there; that he has some recollection of the time of the treaty of Dancing Rabbit Creek; has never seen Jane at her father's after her removal to her grandmother's until after the treaty; has seen her there twice since that time. The first visit she paid to her father her husband came with her.

Following the deposition of Stephen Perry is that of Joshua T. Brown, in which he testifies to the residence of Charles Frazier and locates his improvement but says he is not acquainted with the family.

The next and last deposition is that of Joseph Perry, a half-blood Choctaw, who says in substance that he is acquainted with the claimant, Charles Frazier; that they were raised boys together; that his father was an Irishman and his mother a half-blood Choctaw; that his wife died 10 or 11 years since; and that at this time he had married a white woman; that his children by his first wife were, first, Jane, now upwards of 24 years old; that she has been married about 3 years, and at the time of the treaty she lived in the Chickasaw country with her grandmother.

These depositions were taken and sworn to at Ben Leflore's on the first day of February, 1838, before J. Murray and P. D. Vroom.

Joseph Perry says that at that time, 1838, the daughter Jane was about 24 years old, and that she had been married about three years which would fix the date of her marriage about 1835. The record evidence tends to show that this Jane Frazier married Matthew McCrery whose daughter Martha McCrery intermarried with one Robert B. Harper, who are the parents of the applicants herein.

The record evidence also tends to show that Martha Harper, nee McCrery, would be about 73 years old if living. However, this is somewhat indefinite as is also the date of the marriage

of Jane Frazier, and it would seem from the depositions referred to and the record testimony that Jane Frazier could have been the mother of Martha Harper, nee McCrery.

The said depositions prove beyond doubt that Charles Frazier did attempt to comply with the provisions of article fourteen of the treaty of 1830.

On page 629 of said volume one of Choctaw vs. United States abstract B, it appears that the claim of Charles Frazier was rejected by the Secretary of War on September 30, 1854. There is no reason given for this rejection of his claim and the office has been unable to find any letter of that date setting out the reasons for such rejection. It is not clear, however, that this rejection of the claim of Charles Frazier by the Secretary of War should have any weight in determining the merits of the claim of the applicants for the reason that the Department has heretofore held that where the applicants or their ancestors had attempted to comply with the provisions of article fourteen, such action should be deemed sufficient upon which to base a favorable decision and grant their claims.

The depositions aforesaid establish the fact that Charles Frazier was of Choctaw descent; that he did reside in Mississippi at the time of the treaty; that he had an improvement there; and that he attempted to establish his rights under article fourteen of the treaty of 1830.

The office submits these additional facts to the consideration of your Commission believing that if the testimony of record is sufficient to establish the fact that Charles Frazier is the common ancestor of all the applicants that the record evidence is sufficient, so far as his compliance with the fourteenth article of the treaty of 1830 is concerned, to grant the claims of the applicants herein if they are his descendants.

Inasmuch as your Commission has already given notice to these parties that you would hear additional testimony it would seem that in that regard the case should be closed and be decided upon the evidence now before the Commission.

Very respectfully,

A. G. T O N N E R,

Acting Commissioner.

W.C.B. (S)

--- C O P Y ---

No. 86

Charles Frazier, of Yallobusha County, states that on the 27th Sept., 1830, he was the Choctaw head of a family, residing on the waters of Loosa Schuma, in the Choctaw country, in Miss.; that within six months after the ratification of the late Choctaw treaty he signified to Col. Ward, agent for the Choctaws, his intention to remain 5 years, become a citizen of the State, & take lands under the 14 art. of said treaty; that his name was duly registered by said agent, but cannot now be found on the register of claimants under said article; that he then belonged to Capt. Turnbull's company, & lived on lands now embraced in section 16, township 24, range 7 east, where he had an improvement, & where he still continues to live, and that he had living with him at the time of the treaty four unmarried children, over ten years of age, named Jane, Andrew, Mary, & Maxwell, & one child under 10 years of age, named Emily.

A. A. HALSEY,
Att'y for Claimants.

No. 86--Charles Frazier, a quarter-blood Choctaw, aged 50 years, being interrogated, says his name is Charles Frazier; that he resides in Yalo-busha County, Mississippi, 8 miles east of Coffeeville, on Loosa-schuma Creek, on the north side, about a mile and a half from the creek; at the date of the treaty he had five children living with him, the eldest named--

1. Jane, a female, born in 1811, is not certain if she was unmarried at the time of the treaty; she married about that time a half-blood Chickasaw; does not recollect his name; went immediately on her marriage to live in the Chickasaw country; previous to her marriage, after the death of her mother, she lived sometimes with

her grandmother Sha-la-ha-ne-lbert, about 2 miles south of the Chickasaw old fields, in the Chickasaw country, and sometimes with him; after the death of her mother, Jane resided the principal part of her time with her grandmother to avoid the sickness in the Chickasaw country until her marriage.

3. Andrew, gone west West of the Mississippi last fall with his grandfather, George Colbert; he is now 22 or 23 years of age; was unmarried at the time of the treaty; stayed most of his time with his grandmother in the Chickasaw country after the death of his mother until his marriage; after his marriage he resided with his mother-in-law, on Wolf River, in the Chickasaw country.

Mary, now with her grandmother in the Chickasaw country, now about 20 or 21 years of age, unmarried at the time of the treaty; has lived almost entirely with her grandmother since the death of her mother.

4 Maxwell, lived for 3 or 4 years with his grandfather and mother, and was sent by his grandfather to school in one of the northern states, where he now is, now about 18 or 19 years of age.

5 Emily, has lived with her grandmother since the death of her mother; has been some since at his house, now between sixteen or seventeen years of age.

Jane and Andrew, his two eldest children visited him more frequently than the others. Adam A. Bailey is his counsel.

Stephen Perry, a half blood Chickasaw, a witness for the claimant, being admonished of the nature and obligation of an oath, and declaring his belief in a future state of rewards and punishments, was sworn and answers as follows in English: That he is acquainted with the claimant, Charles Frazier; has known him as long as he can

recollect. He (witness) is in his twenty-first year; has lived all his life in Yalo-busha County, except when at school in Kentucky; does not recollect the treaty of Dancing Rabbit Creek; knows that Charles Frazier (the claimant, putting him out) lived in Loosa-shuma Valley more than eight years ago and has continued to reside there to this time. He lived about six or seven miles from witness about 8 years since and before, and since to this time was often at his house, and was well acquainted with his family, except the youngest, Emily, with whom he has no acquaintance. Charles Frazier's first wife, Bina, the mother of the children above named, used to come to his father's house, and he recollects distinctly having seen her; she died, he thinks, when he was quite small, not more than eight or nine years of age. Charles Frazier's eldest child was named---

1 Jane; thinks she is now living with her grandmother, the wife of Colo George Colbert, in the Chickasaw Nation; thinks it has been two years since she went there; that has been her principal place of residence since. He has some recollection of the time of the treaty of Dancing Rabbit Creek; never saw Jane at her father's after her removal to her grandmother's until after the treaty; has seen her there twice since that time. The first visit she made to her father her husband came with her.

The second child is Andrew; does not know where Andrew is at this time; saw him at Columbus last October; at that time he lived with his mother-inlaw on Wol f River, in the Chickasaw Country; does not know his age; he may be [illegible] years older than him (witness); after the death of his mother he stayed mostly with his father; he was sent to school in Tennessee between five and six years ago, as well as he can recollect, and at the time he went he lived with his grandmother; does not know how long he had been living with her

before he was sent to school. After his return from school he returned to live with his grandmother, and continued with her until he married, 3 or 4 years ago. After which time he lived in Yalobusha County a year or less with his mother-in-law, when then they all moved into the Chickasaw Nation, on Wolf River.

3 Mary; does not know where she now is; after the death of her mother she stayed awhile with her father and went to school a at Elliott's, and then he thinks, went to live with her grandmother. He does not know how long ago; she is about the age of witness; went to school together.

Maxwell; does not know where he is now, but from information cannot say positively, but thinks, he has been living with his grandmother more than eight or nine years; is now about 17 or 18 years of age.

Emily; he has no knowledge of her; does not recollect that he ever saw her.

Claimant had an improvement more than 8 years ago on Loosa-Schuna, a house and field, in which he lived at that time and in which he had continued to live ever since. He built a new house about a hundred years from the old one on the same tract about 4 or 5 years since, into which he moved after it was finished. This improvement is on section 16, township 24, range 7 east. He has seen a tree at the lower end of his field on which the marks of the township and range are marked; the tree on which the section is marked is [illegible]0 feet from the one onwhich the township and range are marked. The township and ran e are marked on a red-oak, about one and a half or two feet in diameter; does not recollect what description of a tree the section is marked on. These trees stand about a south course from the house in which claimant lives a little more than a quarter of a mile; does not know whether the improvement

is within the lines of the section or not; he did not trace the lines; does not know whether Charles Frazierregistered or not for the five years' stay; Charles Frazier is his cousin; has no interest in his claim; His father is a claimant under the 14th article of the treaty; his name is Joseph Perry. Claimant belongs, he thinks, to John Perry's company; has never been employed as an agent or otherwise by any claimant, their agents or attornies, in any manner relating to claims under the 14th article of the treaty; does not know whether the land claimed by Charles Frazier has ever been sold by the government. He can read and understand figures.

(Signed) Stephen Perry

Taken and sworn to at Ben LaFlore's this 1 Feb'y, 1838, before

J. Murray
P. D.Vroom

Joshua T. Brown, awhite man, a witness for the claimant, being sworn, deposes as follows: That he is acquainted with Charles Frazier, the claimant; has been acquainted with him for three years or more; is not acquainted with his family; he has been twice at his house , the last time 3 or 4 weeks since; he lives in Loosa Schuma Valley, about the head of the valley; his field runs into the valley; his improvement is embraced in the southeast quarter of section 16, township 24, range 7 east.; he was at the corner; his field lies in that quarter section, except about 5 acres; Did not trace the lines, but saw the direction of the line by the marked trees; he was not employed by any person to do this; was out taking numbers of land for his own use; Stephen Perry was with him; Perry told him that he was requested by Mr. Oxbern(for Mr. Halsey) to go round and take the numbers of sections on which a list of Chectaws he had resided; the list contained 4 or 5 names;

does not know the names that were on the list; he did not read it; he had a similar list of his own and was engaged in a similar business for himself; Perry said something about receiving pay for his trouble; does not recollect what he said, but judged from his conversation that Mr. Maley was to pay him for his trouble. He has never been employed by any person claiming lands, their agents or attorneys, under the 14th article of the treaty, as agent or otherwise in relation to claims under that article. He has an interest in certain claims under the 14th article to be laid before the commissioners. Stephen Perry was not employed by him to

Joshua T. Brown

Taken & sworn to at Ben LaFlore's, this 1 Feb'y, 1838, before

J. Murray

T. D. Vroom

Joseph Perry, a half blood Choctaw, a witness for claimant, being admonished of the nature and obligation of an oath, and declaring his belief in a future state of rewards and punishments, deposes as follows, in English; That he is acquainted with the claimant, Charles Frazier; they were raised boys together; his father was an Irishman, his mother a half blood Choctaw. At the date of the treaty he lived on Locsa-ochuma, a prong of the Yalobusha. He lived rather on the hill at the head of the valley. His wife died 10 or 11 years since. He married since (about 4 years) a white woman; his children by his first wife were :

1 Jane, now upwards of 24 years old; has been married about 3 years. At the time of the treaty she lived in the Chickasaw country with her grandmother.

2. Andrew, now about 22 years of age; lived with his grandmother

at the date of the treaty; was baptized and returned to see his father.

Mary, was about 18 years old; she lived at the time of the treaty at her grandfather's.

Marshall, was about 18 or 19; lived at his grandmother's at the time of the treaty.

Emily, about one year old at the death of her mother; lived with her grandmother at the date of the treaty.

He was read, but cannot say as to what section, township or range, Charles Frazier resided at the time of the treaty. Claimant lives now where he did at the date of the treaty, and has always lived there where that was. Claimant at the time of the treaty belonged to John Ferry's, who worked Marshall's company. Witness was at the council at John Ferry's. Charles Frazier was not there, to his knowledge. Does not know that claimant ever went before Cole, Ward to be registered. The land claimed by Charles Frazier has never, to his knowledge, been sold by the government. The land on which the claimant lives has never been cut off into sections until lies fell

Joseph Ferry

Taken and sworn to at Dan. Lefflere's, this 1 Feb'y, 1898 before

J. Marsey

F. D. Vroom

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AITSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 39

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 26, 1902.

Mr. William O. Beall,

Clerk in Charge Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

In the matter of the application of Walter P. Harper, et al., for identification as Mississippi Choctaws, which is a consolidation of the applications numbered M.C.R. 39, 38, 40 and 4108, a decision was rendered on May 13th, 1902 and forwarded to the Secretary of the Interior for his review, and by him remanded on June 6, 1902. In said decision the Commission held that the applicants must show a compliance on the part of Jane E. McCrary (nee Frazier) the maternal grandmother of the principal applicant, who, according to the testimony submitted by the applicants, was married and the head of a family in the state of Mississippi in 1830.

The testimony in support of the contention that the said Jane E. McCrary (nee Frazier) was married and the head of a family in 1830, is found on page 54 of the record, wherein the principal applicant testifies that his mother if living now would be "70 odd, seventy-three or four years old" which would fix the date of her birth either in 1828 or 1829, and assuming this statement to be correct, a compliance should have been made by the maternal grand-

[illegible] of the principal applicant for enrollment as a minor child (the mother of the principal applicant) in order for these applicants to be entitled to side [illegible].

At the time of the re-[illegible] [illegible] there was [illegible] (June 4, 1902) the principal applicant filed the affidavit of J. R. Mitchell wherein affiant states that he was personally acquainted with the principal applicant and with his mother, Martha Harper (nee McCrary) who, affiant states, was the daughter of Mathew McCrary and his wife Jane, the latter being "a daughter of an old Choctaw Indian man named Charles Frazier in the Choctaw Nation Mississippi". Affiant further stated that the said Charles Frazier was the father of the following named children, Jane, Andrew, Mary, Maxwell and Emily and that the said Jane was the one who married Mathew McCrary and is the maternal grandmother of the applicants herein.

In view of the fact that the testimony submitted by the applicants, other than that contained in the affidavit of J. R. Mitchell above referred to, shows conclusively that the maternal grandmother of the applicants, Jane E. McCrary, was married and the mother of one child in 1830, no consideration was given to the statement that the said Jane E. McCrary was the daughter of Charles Frazier, except in so far as her name was searched for both as Jane E. McCrary and as Jane E. Frazier. As the proof showed that the [illegible] of the principal applicant, Martha J. McCrary, was born prior to 1830, and could have been enrolled for her mother,

name of the said Martha J. McCrary was searched for in connection with that of her mother, among the records of the Commission relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830, but the same did not appear upon said records (and neither did that of her said mother.)

It appears thaton page 839 of Volume 1, Claimants Brief and Evidence in the case of the Choctaw Nation vs. the United States, there is found under No. 86 a statement made by A. H. Halsey, attorney for claimants (Charles Frazier and family), in which statement it appears that the said Charles Frazier was on the 27th day of September, 1830, a Choctaw head of a family and that within six months after the ratification of the treaty of Dancing Rabbit Creek he signified to Colonel Wm. Ward his intention to remain for the five years stay, and become a citizen of the states and take land under article 14 of said treaty, and that he had living with him at the time of the treaty, four unmarried children over ten years of age named Jane, Andrew, Mary and Maxwell, and one child under ten years of age named Emily. Immediately following this statement are the depositions of Charles Frazier, Stephen Perry, JoshuaT.Brown and Joseph Perry, which were subscribed and sworn to on the 1st day of February, 1838, before J. Murray and P. D. Vroom, and in the deposition of Charles Frazier he states that at the date of the treaty he had five children living with him , the eldest named "Jane, a female born in 1811 is not certain if she was unmarried at the time of the treaty. She married about that time a half

blood Chickasaw, does not recollect his name, went immediately on her marriage to live in the Chickasaw country."

From the deposition of Stephen Perry it appears that Charles Frazier's eldest child was named Jane and that at the time of the making of said deposition she was married to one Colo. George Colbert in the Chickasaw Nation.

There is nothing in the depositions of Joshua T. Brown and Joseph Perry which would in any way assist us in the identification of these applicants.

From the affidavit of J. R. Mitchell filed by the principal applicant, it would appear that the maternal grandmother of the applicants was the daughter of the identical Charles Frazier mentioned in Volume 1 of the Court of Claims Record as he gives the names of the said Charles Frazier's children identically as they appear in the depositions of the several witnesses taken in 1838 before Commissioners Murray and Vroom, but it further appears in the affidavit of the said Mitchell that the Jane Frazier whom he knew, was married to Mathew McCrary, a white man, while from all the testimony submitted before the Commissioners in 1838 it appears that Jane Frazier, the daughter of the Charles Frazier whose application came up before them, was married to one Colo. George Colbert, a Chickasaw Indian, so that aside from the testimony as to the names of the entire family of Charles Frazier being identical with those in the affidavit of J. R. Mitchell , there is nothing

which would indicate that the maternal grandmother of these applicants is the identical Jane Frazier who appears of record as above cited. In fact the marriage of the said Jane Frazier, as shown by the said record and as shown by the affidavit of J. R. Mitchell, would indicate that they are not identical.

I am therefore of the opinion that the decision as rendered May 13th, 1902, should stand.

Respectfully submitted,

Chas. von Wrisl

INDEXED.

COMMISSION TO FIVE TRIBES.			
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Emerson, Guy L. V.
Muskogee I.T.
Aug 21. 1902

Gives report of work accomplished and securing testimony in Miss Choc case.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, August 21, 1902.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

I have the honor to report that in accordance with the instructions contained in your letter of the 5th inst., I proceeded in company with stenographer G. Rosenwinkel, on the morning of August 6th, to Thackerville, Indian Territory, for the purpose of investigating certain charges preferred against one J. H. Dunn. A full report of my action in connection with the Dunn case has heretofore been mailed.

On the 9th inst., I proceeded to the former home of Sophronia Harper, about twelve miles South-East of Gainesville, Texas, for the purpose of securing her testimony in the matter of the application of Walter P. Harper, et al., for identification as Mississippi Choctaws. We were informed upon our arrival at the former home of Mrs. Harper, that she had moved to Faxon, Oklahoma. From Woodbine, Texas, we proceeded to Orr, Indian Territory via Ardmore, for the purpose of securing the testimony of John L. Harper. Upon our arrival at Orr we found that John L. Harper was at that time located near Sugden, on the Rock Island Railroad, and

would probably not return for a period of ten days. We therefore returned to Ardmore and at once proceeded to Johnson, Indian Territory, for the purpose of securing the testimony of Victory Boyd, Polly Boyd, and William L. Boyd, in connection with the application of Victoria Boyd, et al., for identification as Mississippi Choctaws. We found the Boyds living on a small farm three miles East of Johnson. Victoria Boyd is an invalid and is very ignorant as is her husband Bert Boyd. On our arrival at her home the nature of our businesswas explained fully to her and when the Notary was asked to administer the oath to Mrs. Boyd her husband entered an objection to her giving any further testimony in this case. He would give no reason for his action except that he had already taken his wife before the Commission on two different occasions and had filed certain written evidence in support of her application and that he did not propose to have anything further to do with this case. He stated that it seemed to him that sufficient evidence had already been offered to enable the Commission to determine his wife's right as a Mississippi Choctaw. While Boyd denied that he had been advised to take such action I feel confident from his manner and his way of talking that he had theretofore been advised not to furnish any additional evidence to the Commission in connection with his wife's application. I spent nearly an

hour at the home of Mr. Boyd endeavoring to induce him to permit his wife to give her testimony but he remained obstinate to the end and positively refused to allow his wife to testify. We then proceeded to the home of William L., and Polly Boyd, about two hundred yards distant from the home of their son Bert Boyd. These people are very old and rather ignorant. We immediately explained our business to William L., and Polly Boyd but each of them positvely refused to testify in the matter of the application of Victoria Boyd, et al., stating that it was their opinion that our purpose was to pick some flaw in the case by which the claim might be defeated. They stated that they had theretofore given their testimony in the case and in their opinion that was sufficient. I was led to believe from their demeanor and conversation that they also had been advised not to give further testimony in connection with the application of Victoria Boyd. Whenever it might be possible for me to induce William L., or Polly Boyd to engage in conversation on the subject of the ancestors of Victoria Boyd, Bert Boyd, would intervene and insist that they make no statements whatever to me with reference to this matter. After having used every possible argument and effort to induce these people to testify before us I prepared and had served upon them by Notary Public Charley R. Chitwood subpoenas to appear before us forthwith which they refused to obey. Mr. Chitwood, at my request, signed the return on these subpoenas but

it was not sworn to before an officer owing to lack of time. If it is necessary that these returns be sworn to, the subpoenas, which are to be found with the original papers in this case, may be sent to Charley R. Chitwood, Notary Public, Johnson, Indian Territory, and he will promptly make the required affidavit. During our drive from Johnson to the home of the Boyds the Notary Public who accompanied me for the purpose of administering the oath to these witnesses informed me that Boyd had recently received a letter from one J. O. Poole, in which he was advised that the claim of his wife was "alright". I have no doubt that Mr. Poole anticipated the visit of the representatives of the Commission to these persons and paved the way for their reception although the Boyds positively deny that such was the case.

After leaving the Boyd home we proceeded to Byers, Indian Territory, a new town about a mile South of Johnson, to see Mr. Will Smith, before whom the Boyd affidavits were executed. Mr. Smith is a Notary Public for the Southern District, Indian Territory, and a man who stands well in the community in which he lives. He informed us that these affidavits were brought to him by Victoria, William L., and Polly Boyd and subscribed and sworn to in his presence, he having first read them carefully to each respective affiant. He invited attention to the fact that the affidavit of Victoria Boyd is apparently in the hand writing of J. O. Poole.

It would thus appear that Mr. Poole informed the Boyds what would be necessary in order that the claim of Victoria Boyd might prevail and prepared affidavits in accordance with his views and forwarded them to be executed by Victoria Boyd, William L., and Polly Boyd. It will be noted that these affidavits are prepared in the form of questions and answers and one would be led to believe by the reading of these affidavits that the questions were asked the witnesses and the answers given and reduced to writing in the presence of the Notary as is customary in taking depositions upon interrogatories.

By reference to the affidavits of Polly Boyd, made on the first day of November 1899 and on the 15th day of February 1902, respectively, it will be noted that in the first affidavit Polly Boyd swears "William Dyer a Mississippi Choctaw Indian by blood married a mixed blood white and Choctaw Indian woman and had children one of which a girl named Ginsey Mima Dyer. She married a white man named Dave Rollins and he Dave Rollins & wife are the parents of Victoria Rollins now Boyd" while in the affidavit made by her on the 15th day of February 1902, she states in answer to interrogatory number 6, "I knew nothing of the father of Victoria Boyd; her grandmother was named Nellie Dyer, a Choctaw Indian woman; said to be about one-half blood and lived in the Choctaw Nation, state of Mississippi. The records of the family show that Nellie Dyer had six children at the time of the treaty of 1830 three by

her first husband, Oxbury, name Pallas , George, and Cyrus and three by her second husband Dyer, namely Polly Ann, Lucinda and Jeremiah, and had born to her after said treaty some time one named Ginseymima, who married Dave Rollins and are the parents of this applicant Victoria Boyd." In the affidavit of William L. Boyd executed on the first of November 1899, he makes practically the same statement as that found in the affidavit of his wife which was executed on the same day and in the affidavit executed by him him on the 15th of February 1902, he makes the same statement in answer to interrogatory number 6 as is made by his wife Polly Boyd. While in the caption to the affidavit executed on the first of November 1899 the initials of Mr. Boyd are given as W. C. Boyd and his signature would indicate that the middle initial might be "C" it is apparent that the person who signed the affidavit executed on the first of November 1899 is the same person who signed the affidavit executed on the 15th of February 1902 as Wm L. Boyd. While we were at the home of William L., and Polly Boyd, Polly volunteered the information that a lawyer had visited them and had with him a large book containing the names of the members of the family of Victoria Boyd who lived back in the old Nation in Mississippi in an early day. In answer to a question by me she stated that this lawyer was J. O: Poole. I asked her if he did not produce this book a short time before these affi-

davits were made by herself, her husband and Victoria Boyd before William A. Smith and she replied in the affirmative. I tried to get a record of some of their statements but whenever the stenographer produced his note book they refused to talk. I have no doubt that the reference made in the answer to interrogatory number 6, to the "records of the family" refers to the list of names exhibited to the Boyds by Mr. Poole. I asked Polly Boyd if she ever knew a man by the name of William Dyer; at first she replied that she did and then corrected her statement stating that she did not know such a man and even if she did she would not tell me. I then asked her husband if he ever knew a man by the name of William Dyer and Polly replied that even if he did know such a man he would not tell me..

After being unable to secure the testimony of Victoria, William L., and Polly Boyd we proceeded to Chickasha, Indian Territory and at that place telephoned John L. Harper who was then at Wauricka, Oklahoma Territory, to meet us at Chickasha for the purpose of giving further testimony in support of his application for identification as a Mississippi Choctaw. He appeared there on the fourteenth and his testimony was taken. After having secured the testimony of John L. Harper we proceeded to Faxon, Oklahoma Territory, for the purpose of securing the testimony of Sophronia Harper which we did secure on the morning of the 16th inst. It will be noted from an examination of the testimony of John L. Harper that

~~that~~ he swore that he did not know where Sophronia Harper lived at that time but that at the time her affidavit was taken, on the 28th day of February 1902, she lived at Woodbine, Texas; that the last time he heard of her she was living in Yukon, Oklahoma. Sophronia Harper testifies that she did not make the affidavit bearing the signature of Sophrona Harper purporting to have been executed before J. W. Allen a Notary Public for the Southern District, Indian Territory, on the 28th day of February 1902. In the answer of interrogatory number 2 in said affidavit appears the following: " I also heard his (Robert B. Harper) mother-in-law, Jane, speak of her father. They often spoke of having rights in the Choctaw Nation Indian Territory;all that I know is from the history of the family and from what my husband and his mother-in-law, Jane McCrery nee Frazier, told me. I did not know Charles Frazier of myself but only by reputation from the members of the family". In the examination of Sophronia Harper the following question was asked her:" You do not know then the names of any of the ancestors of these children William, Mary, Walter and John, except their mother and father?" to which she responded "That is all that I know." It will also be noted that the name of the witnesses is spelled S-o-p-h-r-o-n-i-a while in what purports to be her affidavit, executed on the 28th of February 1902 it is spelled S-o-p-h-r-o-n-a. Sophronia Harper

further testified that she had never been at Orr, in the Chickasaw Nation, Indian Territory, at which place J. W. Allen, Notary Public, resides, and that she never saw Allen; that she moved to her claim in Comanche County, Oklahoma, on the 23rd day of February 1902; that she saw John L. Harper in Comanche County, Oklahoma, within the last two or three months; that she had never prior to the time this testimony was taken given in testimony in support of these applications; that she never did start to Muskogee, Indian Territory, for the purpose of testifying in this case; that she had not for a period of ten years seen Jim Mitchell, presumably the same man whose affidavit was filed by John L. Harper when he appeared before the Commission at Muskogee on the 4th day of March 1902. John L. Harper in his testimony given before the Commission on the 14th inst., stated that Sophrona Harper and Jim Mitchell were at Orr together when these affidavits were executed; in his testimony given before the Commission on the 4th of March 1902, he stated "I started with two witnesses before the Commission but the old man was taken sick and I taken his affidavit and brought it with me and that old lady"------"The woman's name is,----my stepmother; Sophrona Harper."

It will be noted that in the testimony of John L. Harper taken at Chickasha on the 14th inst., he denied knowing who prepared the affidavits of Sophrona Harper and J. R. Mitchell filed by him on the 4th day of March 1902.

The attention of the Commission is invited to the similarity in the wording of the caption of these affidavits of Sophronia Harper and J. R. Mitchell and the affidavits of Polly Boyd and William L. Boyd filed in the Victoria Boyd case. It would also appear that they were written on the same typewriter. Mr. J. W. Allen the Notary Public before whom the Harper and Mitchell affidavits were executed stated that these affidavits were already prepared when they were presented to him and he simply read them over to the witnesses and they were subscribed and sworn to in his presence. He is not personally acquainted with Sophronia Harper and J. R. Mitchell and stated that he did not think he would know them if he were to see them again; that at the time these affidavits were executed there were a number of persons before him for the purpose of making affidavits and for that reason he does not remember either Mitchell or Mrs. Harper but is sure that either they or some one representing themselves to be Mrs. Harper and Mitchell appeared before him and executed the affidavits.

From Faxon, Oklahoma, we proceeded to Tecumseh, the County seat of Pottawatomie County, Oklahoma, for the purpose of securing the testimony of J. R. Mitchell. We used everypossible effort to get trace of this man but were unable to do so. There is no tax-payer in Pottawatomie County by the name of J. R. Mitchell. We did however find trace of a man by the name of A. J. Mitchell who

was from Cook County, Texas; he left Pottawatomie County however some six months ago and we could find no one that knew where he went. The age of A. J. Mitchell's son, the only one who had ever been at Tecumseh, would indicate that he could hardly be the Jim Mitchell referred to by Sophronia Harper as the man who had known the family in Cook County, Texas for a number of years and whomshe understood came from Mississippi with them but this A. J. Mitchell having come from Cook County, Texas and having lived near Woodbine, it would appear might possibly be the same man. In view of the disclosure made in connection with the affidavit of Sophronia Harper it is of course impossible to form any idea as to whether there is in fact such a man as J. R. Mitchell and if so whether his age and residence is given correctly. It is possible that A. J. Mitchell is the man for whom this affidavit is intended but that his initials are written wrong in the affidavit.

The attention of the Commission is further invited to the similarity in the signature of Sophrona Harper to the affidavit executed on the 28th day of February 1902, before J. W. Allen, Notary Public and in the signature of John L. Harper to an affidavit executed by him on the 9th day of June 1902, before L. D. Horton, a Notary Public for the Central District, Indian Territory, being page 24 of the record in the Walter P. Harper case,

Respectfully submitted

Guy L. V. Emerson

[illegible]

[illegible] temporal [illegible]

[illegible]

Martha

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 21 1902

ACTING CHAIRMAN

W.C.A. 22.

Muskogee, Indian Territory, August 21, 1902.

Commissioner of Indian Affairs,
Washington, District of Columbia.

Dear Sir:

Inclosed is hereby acknowledgment of your letter of the 14th inst., in which you make certain suggestions in regard to signing an affidavit you sent me in the case of the Mississippi Chickasaw Band of Indians v. Morgan, et al.

Have taken the same as a part of the record in this case.

Yours truly,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Miss.Choctaw R 39.

Muskogee, Indian Territory, November 6, 1902.

Objected

The Honorable,

The Secretary of the Interior,

Sir:

With his letter of June 6, 1902, the Acting Commissioner of Indian Affairs returned the record in the consolidated Mississippi Choctaw case of Walter P. Harper, et al. for the purpose of calling the attention of the Commission to the testimony in the record tending to show that the common ancestor of the applicants is one Charles Frazier, a Mississippi Choctaw; that the fact that said Frazier was the common ancestor of the applicants is supported by the testimony of John L. Harper, the affidavit of Sophrona Harper and that of J. R. Mitchell, all of which was submitted to the Commission at the time the additional testimony was taken in this case.

The Acting Commissioner states that his office cannot say how much credit should be given to the statements relative to Charles Frazier, but if they are taken to be true, it would seem that the applicants have established the fact that the said Frazier was their common ancestor and a Mississippi Choctaw by blood.

The Acting Commissioner states , in his communication of June 6, 1902, 'that the record evidence does not show that any of the

applicants or their said common ancestor ever complied with the provisions of article fourteen of the treaty of 1830, nor that they were ever recognized as Mississippi Choctaws under the acts of Congress of March 3, 1837 (5 Stats.,180) and August 23, 1842, (5 Stats.,513), and that the decision of the Commission denying these applications is correct.

He states, however, as follows:

"The office records, however, show that a Charles Frazier did attempt to comply with the provisions of article fourteen of the treaty of 1830. On Page 839, volume one of Choctaw Nation vs. United States, under the head of No. 86, appears the following:

'Charles Frazier, of Yallobusha County, states that on the 27th of Sept.,1830, he was the Choctaw head of a family, residing on the waters of Loosa Schuma, in the Choctaw country, in Miss.; that within six months after the ratification of the late Choctaw treaty he signified to Col. Ward, agent for the Choctaws, his intention to remain 5 years, become a citizen of the State & take lands under the 14 art. of said treaty; that his name was duly registered by said agent, but cannot now be found on the register of claimants under said article; that he then belonged to Capt. Turnbull's company & lived on lands now embraced in section 16, township 24, range 7 east, where he had an improvement, & where he still continues to live, and that he had living with him at the time of the treaty four unmarried children, over ten years of age, named Jane, Andrew, Mary & Maxwell, & one child under 10 years of age, named Emily.'

In his deposition Charles Frazier says that he is 'a quarter blood Choctaw, aged 50 years; that he resides in Yalo-busha County, Mississippi, 8 miles east of Coffeeville, on Loosa-schuna Creek; at the date of the treaty he had five children living with him, the eldest named Jane, a female, born in 1811, is not certain if she was unmarried at the time of the treaty; she married about that time a half blood Chickasaw; does not remember his name; went immediately on her marriage to live in the Chickasaw country; previous to her marriage after the death of her mother she lived sometimes with her grandmother She-la-cha-colbert, about 2 miles sourth of the Chickasaw old fields, in the Chickasaw country, and sometimes with him; after the death of her mother Jane resided the principal part of her time with her grandmother to avoid the sickness in the Chickasaw country until her marriage.'

The deposition of Stephen Perry, a half-blood Choctaw follows that of Charles Frazier and he testifies in substance that he knew Charles Frazier; that he was well acquainted with his family except the youngest child, Emily, with whom he had no acquaintance; that Charles Frazier's first wife Nina, the mother of the children,

used to come to his father's house and he recollects distinctly having seen her. He further states that the eldest child of Charles Frazier was named Jane; thinks she is now living with her grandmother the wife of Col. George Colbert, in the Chickasaw Nation; thinks it has been two years since she went there; that he has some recollection of the time of the treaty of Dancing Rabbit Creek; has never seen Jane at her father's after her removal to her grandmother's until after the treaty; has seen her there twice since that time. The first visit she paid to her father her husband came with her.

Following the deposition of Stephen Perry is that of Joshua T. Brown, in which he testifies to the residence of Charles Frazier and locates his improvement but says he is not acquainted with the family.

The next and last deposition is that of Joseph Perry, a half-blood Choctaw, who says in substance that he is acquainted with the claimant, Charles Frazier; that they were raised boys together; that his father was an Irishman and his mother a half-blood Choctaw; that his wife died 10 or 11 years since; and that at this time he had married a white woman; that his children by his first wife were, first, Jane, now upwards of 24 years old; that she has been married about 3 years, and at the time of the treaty she lived in the Chickasaw country with her grandmother.

These depositions were taken and sworn to at Ben Leflore's on the first day of February, 1838, before J. Murray and P. D. Vroom.

Joseph Perry says that at that time, 1838, the daughter Jane was about 24 years old, and that she had been married about three years which would fix the date of her marriage about 1835. The record evidence tends to show that this Jane Frazier married Matthew McCrery whose daughter Martha McCrery intermarried with one Robert P. Harper, who are the parents of the applicants herein.

The record evidence also tends to show that Martha Harper, nee McCrery, would be about 73 years old if living. However, this is somewhat indefinite as is also the date of the marriage of Jane Frazier, and it would seem from the depositions referred to and the record testimony that Jane Frazier could have been the mother of Martha Harper, nee McCrery.

The said depositions prove beyond doubt that Charles Frazier did attempt to comply with the provisions of article fourteen of the treaty of 1830.

On page 629 of said volume one of Choctaw Nation vs United States abstract B it appears that the claim of Charles Frazier was rejected by the Secretary of War on September 30, 1854. There is no reason given for this rejection of his claim and the office has been unable to find any letter of that date setting out the reasons for such rejection. It is not clear, however, that this rejection of the claim of Charles Frazier by the Secretary of War should have any weight in determining the merits of the claim of the applicants for the reason that the Department has heretofore held that where the applicants or their ancestors had attempted to comply with the provisions of article fourtee, such action should be deemed sufficient upon which to base a favorable decision and grant their claims.

The depositions aforesaid establish the fact that Charles Frazier was of Choctaw descent; that he did reside in Mississippi at the time of the treaty; that he had an improvement there; and that he attempted to establish his rights under article fourteen of the treaty of 1830.

The office submits these additional facts to the consideration of your Commission believing that if the testimony of record is sufficient to establish the fact that Charles Frazier is the common ancestor of all the applicants that the record evidence is sufficient, so far as his compliance with the fourteenth article of the treaty of 1830 is concerned, to grant the claims of the applicants herein if they are his descendants.

Inasmuch as your Commission has already given notice to these parties that you would hear additional testimony it would seem that in that regard the case should be closed and be decided upon the evidence now before the Commission."

The Commission, having had experience as to the unreliability of ex parte affidavits, upon receipt of the communication of the Acting Commissioner of Indian Affairs of June 6, 1902, sent a representative with instructions to proceed to the homes of Sophrona Harper, John L. Harper and J. R. Mitchell, for the purpose of securing their testimony in this case, in accordance with the following instructions from Departmental letter of June 7, 1902, (I.T.D. 3555-1902), in the William C. Dowell case:

"The Department realizes the unreliability, generally, of such testimony (ex parte affidavits) and that fraud may be attempted through this means, but considers that certain conditions may exist in any Mississippi Choctaw case warranting the claimants in requesting a departure from the usual practice regarding personal testimony. What weight such affidavits should receive, of course, is for the Commission to determine, and the Department is confident it will use every effort to prevent fraud. The Commission has the privilege, if it is not satisfied with any affidavit, of further investigating the case to which it relates and procuring, if possible, and if the circumstances appear to warrant it, the personal testimony of the affiant, as it has taken steps to do in the present instance, relative to the allegations in the affidavit of Charles Smith.",

and on August 14, 1902, the additional testimony of John L. Harper was taken at Chickasha, Indian Territory, and on August 16, 1902,

the testimony of Sophronia S. Harper was taken at Faxon, Oklahoma. In her oral testimony she states that she did not sign the affidavit purporting to have been made by her, and that she has no personal knowledged of the facts therein set forth.

The utmost effort was made by the Commission to ascertain the whereabouts of J. R. Mitchell but he could not be located after the most diligent search and inquiry. The affidavit of the said J. R. Mitchell, in which the names of the children of Charles Frazier are given as Jane, Andrew, Mary, Maxwell and Emily, has apparently been made to conform to the records in Volume one of the Choctaw Nation versus United States.

The affidavit of Sophrona Harper filed in this case is a forgery, according to her oral testimony, and it would appear, from her testimony in regard to J. R. Mitchell and from the failure of the Commission to gain a clue as to his whereabouts, as well as from all the circumstances surrounding the preparation of these affidavits that the affidavit of J. R. Mitchell is also a forgery, and the said affidavits should not, therefore, receive consideration in the disposition of this case.

It appears from the affidavit of Joseph Perry taken before Commissioners Murray and Vroom that Jane Frazier, the daughter of Charles Frazier, was married about 1835. It appears from the affidavit of Charles Frazier taken before J. Murray and P. D. Vroom, that Jane Frazier, his daughter, was married about the time of the making of the treaty of 1830, to a half blood Chickasaw whose name he does not remember.

The testimony of John L. Harper indicates that his mother, Martha J. Harper, was born about the year 1827, and that Jane Frazier, his grandmother, was married, prior to that date, to Matthew McCrary, a white man, described by him as a "big red headed Irishman," while the records of the government show that Jane Frazier, the daughter of Charles Frazier who attempted to comply with article fourteen of the treaty of 1830, was married subsequent to the year 1830 to a half blood Chickasaw Indian whose name is not given.

The attempt of the applicants as shown by the record herein to manufacture testimony necessarily throws a doubt upon all the record evidence, and it is the opinion of the Commission that the applicants herein have failed to show their descent from Jane Frazier, the daughter of Charles Frazier, who attempted to comply with the provisions of article fourteen of the treaty of 1830, and whose claim was adjudicated by Commissioners Murray and Vroom under the act of Congress of March 3, 1837, (5 Stats.,180).

The original record in the consolidated Mississippi Choctaw case of Walter P. Harper, et al., is therefore herewith returned, together with the additional proceedings had in this case, with the recommendation that the decision of the Commission refusing the applications of the several persons included therein be approved.

Respectfully,

Muskogee, Indian Territory, April 27, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

On May 24, 1902, the Commission transmitted the record in the consolidated Mississippi Choctaw case of Walter P. Harper, et al., M.C.R. 39, together with its decision of May 18, 1902, refusing the applications of the persons included therein for identification as Mississippi Choctaws.

With his letter of June 6, 1902 (Land 31,552-1902), the Acting Commissioner of Indian Affairs returned the record in this case, stating:

"The purpose of this transmittal is to call your attention to the testimony in the record tending to show that the common ancestor of the applicants is one Charles Frazier, a Mississippi Choctaw. The fact that said Frazier was the common ancestor of the applicants is supported by the testimony of John L. Harper, the affidavit of Sophrone Harper, and that of J.N. Mitchell, all of which was submitted before your Commission at the time additional testimony was taken in this case.

The office cannot say how much credit should be given to the statements relative to Charles Frazier, but if they are taken to be true it would seem that the applicants have established the fact that the said Frazier was their common ancestor and a Mississippi Choctaw by blood."

The Acting Commissioner of Indian Affairs then refers at length to the record in his office tending to show that Charles Frazier did comply with the provisions of article fourteen of the treaty of 1830 as appears from Volume I of the Choctaw Nation vs. United States, under the head of No. 80, and concluded after the submission of these additional facts "that if the testimony of record is sufficient to establish the fact that Charles Frazier is the common ancestor of all the applicants, the record evidence is sufficient, so far as his compliance with the provisions of the fourteenth article of the treaty of 1830 is concerned, to grant the claims of the applicants herein if they are his descendants" and suggests that "inasmuch as your Commission has already given notice to these parties that you would hear additional testimony it would seem that in that regard the case should be closed and be decided upon the evidence now before the Commission."

The unreliability of ex parte testimony in the consideration by the Commission of applications for identification as Mississippi Choctaws has heretofore been called to the attention of the Department, and the Commission does not and cannot feel warranted in favorably adjudicating the rights of any such applicants upon mere ex parte affidavits.

The testimony of John L. Harper, Sophronia Harper and J.R. Mitchell as it appears in the original record is entirely ex parte, and the Commission cannot, therefore, concur in the suggestion of

the Acting Commissioner of Indian Affairs, that this case should be closed and finally adjudicated upon the evidence before the Commission.

It was therefore for the purpose of confirming or contradicting the statements of John L. Harper and the allegations set forth in the affidavits of Sophrona Harper and J.R. Mitchell, that the Commission delegated one of its representatives to investigate and report in this matter.

On August 14, 1902, there was secured at Chickasha, Indian Territory, the testimony of John L. Harper. By reference to his testimony, a copy of which is transmitted herewith, it will be noted that the said John L. Harper states that his mother, Martha Jane McCrary, was born about the year 1827; that her mother's name was Jane E. McCrary; and her father's name Matthew McCrary, "a big red-headed Irishman," and that he had never heard of Matthew McCrary claiming any Chickasaw blood. In his examination the following questions and answers appear:

"Q Through which one of her parents did Jane E. McCrary get her Choctaw blood? A I don't know; her name was Frazier.
Q You know the name of her father? A Her father was Charles Frazier, according to my information from the witnesses.
Q You know the name of Jane's mother? A No, sir; I do not.
Q You don't know whether Charles Frazier or Jane's mother had the Choctaw blood? A No, sir; I don't."

while in another part of his examination he testifies as follows:

"Q You know how much Choctaw blood your great-grandfather Charles Frazier claimed to have? A I think he claimed to be a full blood Indian.

Q Then his wife the mother of Jane E. was a white woman? A I don't know sir, but that is the way that I have been told that, that Frazier was a full blood and my mother might have been more than one-quarter Indian but that is what she claimed."

On August 16, 1902, there was secured at Faxon, Oklahoma Territory, the testimony of Sophrona S. Harper, a transcript of which is submitted herewith. By reference to her testimony it will be noted that she knows nothing whatever about the Choctaw ancestors of the applicants and testifies as to Martha McCrary, the mother of the principal applicant, "I didn't know any of her folks at all." In the examination of this witness the following questions and answers appear:

"Q Mrs. Harper did you on the 28th day of February, 1902, make an affidavit before J.W. Allen, Notary Public at Orr, Indian Territory? A No, sir;— at Orr, Indian Territory?
Q Yes sir? A No, sir; I never was at Orr.
Q Never at Orr during your life? A I don't think I was.
Q Do you write your own name? A Yes, sir.
Q I present to you here an affidavit, purported to have been signed by one Sophrona Harper, subscribed and sworn to on the 28th day of February, 1902, before J.W. Allen, a Notary Public, within and for the Southern District, Indian Territory, marked exhibit "X" filed with the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., on the 4th day of March, 1902. Please examine this affidavit and state wether or not that is your signature? A I don't know it.
Q It is not? A I don't reckon it is.
Q You know your own signature? A I never sign my name that way; I always sign my name S.S. Harper but my name is Sophrona.
Q You never were in the Southern District, in Indian Territory, before this Notary Public to make an affidavit were you? A No, sir."

This testimony of Sophrona Harper is in direct conflict

with that of John L. Harper, taken on August 14, 1902, from which the following is an excerpt:

"Q When you were before the Commission in March 1902, you presented an affidavit of Sophrona Harper in support of your application did you not? A Yes,sir.
Q This affidavit was acknowledged before J.W. Allen at Orr, Indian Territory, on the 28th day of February 1902? A Yes, sir.
Q Were you present when it was acknowledged? A Yes, sir.
Q You seen her sign her name to that affidavit? A Yes, sir."

The utmost effort was made by the Commission to ascertain the whereabouts of J.R. Mitchell, one of the affiants, but he could not be located after the most diligent search and inquiry.

The witness Sophrona S. Harper testified that she had not seen "Jim" Mitchell for about ten years, and her testimony is in direct conflict with that of the applicant John L. Harper given at the re-hearing of this case, March 4, 1903, wherein he states, "I started with two witnesses before the Commission, but the old man was taken sick and I taken his affidavit and brought it with me," and when asked the names of the witnesses he said, "James R. Mitchell, the woman's name is my stepmother Sophrona Harper."

The affidavit of J.R. Mitchell filed at the re-hearing of this case, in which he attempts to trace the alleged Choctaw descent of these applicants from Charles Frazier, is in substance the same as the affidavit filed at that time and purported to have been made by Sophrona Harper, and inasmuch as the testimony of Sophrona S. Harper taken since the remanding of this case shows the affidavit which she is alleged to have made to be fraudulent,

the Commission is of the opinion from her testimony in regard to J.R. Mitchell, and from the failure of the Commission to gain a clew as to his whereabouts, as well as all the circumstances surrounding the preparation of these affidavits, that the affidavit of J.R. Mitchell is also fraudulent.

The only testimony, therefore, in the opinion of the Commission, that can be considered as in any manner tending to show the descent of the applicants in this case from Jane Frazier, the daughter of Charles Frazier, who attempted to comply with the provisions of article fourteen of the treaty of 1830, is that of John L. Harper, one of the applicants, taken at the rehearing of this case, and also since the same was remanded, and the testimony of Sophrona Harper, referred to above, throws such a cloud over the said testimony of John L. Harper that small credence can be placed therein.

But even if this were not the case the records of the government show that Jane Frazier, the daughter of Charles Frazier, who attempted to comply with the provisions of article fourteen of the treaty of 1830, was married subsequent to the year 1830 to a half blood Chickasaw Indian whose name is not given, while the testimony of John L. Harper taken at the time of the rehearing of this case, and also since this case was remanded, tends to show that his mother, Martha J. Harper, was born about the year 1827; that Jane Frazier, his grandmother, was married prior to that date to Matthew

McCrary, a white man, and his testimony is not at all certain regarding the parentage of the said Jane Frazier.

It is the opinion of the Commission that the applicants herein have failed to show their descent from Jane Frazier, the daughter of Charles Frazier, who attempted to comply with the provisions of article fourteen of the treaty of 1830 and whose claim was adjudicated by Commissioners Murray and Vroom under the act of Congress approved March 3, 1837.

The original record in the consolidated Mississippi Choctaw case of Walter P. Harper, et al., is therefore herewith returned, together with additional proceedings had in the case.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

Enc M C R 39.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

J.W.H
FHE

D.C. 33358-1905.
I.T.D. 4984-1905.

June 30, 1905.

LRS

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

With your report of April 27, 1903, you returned the record in the Mississippi Choctaw case of Walter P. Harper, et al., which was remanded by Indian Office letter of June 6, 1902, for further investigation.

It seems that the principal applicants herein, viz: Walter P., William T., and John L. Harper, and their sister Mary F. Clodfelter, are the children of a part blood Choctaw woman named Martha J. Harper, who was the daughter of Matthew McCrary by his Choctaw wife, Jane E. McCrary. The latter obtained her Choctaw blood from her father, Charles Frazier.

It appears, according to certain depositions taken in 1838, now on file in the Indian Office, that there was a Charles Frazier who was the head of a Choctaw family in 1830, and who attempted to comply with article 14 of the treaty of that year. This Charles Frazier had, among other children, a daughter named Jane. The theory upon which the applicants base their claims is that their ancestors, Jane McCrary and Charles Frazier, are the persons referred to in the records of the Indian Office mentioned above.

The Department finds the testimony insufficient to sustain this theory, and therefore concludes that the applicants have failed to establish their claims.

Reporting in the matter June 17, 1904, the Indian Office recommended the approval of your decision because the alleged ancestor failed to receive a patent to land under article 14 of the treaty of 1830. In support of this view reference was made to Section 41 of the act of July 1, 1902 (32 Stats., 641). A copy of Indian Office letter is inclosed.

That issuance of patent is not necessary in all cases, see departmental letter of recent date relative to the Mississippi Choctaw case of John T. Bench. For the reasons herein stated your decision of May 13, 1902, adverse to the applicants, is hereby approved.

Respectfully,

(signed) E. A. Hitchcock,
Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land.
28799/1904.

WASHINGTON. June 17, 1904.

(C O P Y)

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated April 27, 1903, transmitting the record relative to the consolidated Mississippi Choctaw case of Walter P. Harper, et al applicants for identification.

Walter P. Harper applied for the identification of himself and his minor child, Hartie Harper, as Mississippi Choctaws, and for the identification of his wife, Florence F. Harper as an intermarried Choctaw; William T. Harper applied for the identification of himself and his children, Henry, Mary, Lona, Myrtle, Beulah, and Irene Harper; John L. Harper for the identification of himself and Jessie Harper, his minor child; Mary F. Clodfelter for the identification of herself and her minor children, Minnie, Mattie, Tobe, Hattie, Willie, Jesse, and Birdie Clodfleter.

In a note in the Commission's decision, it is stated that it appears that Mary Clodfelter also applied for the enrollment of Lula Clodfelter, but that memorandum filed with them shows that at the date of the original application, Lula Clodfelter was dead. This statement seems to be corroborated by the statement of applicant John L. Harper, given at the rehearing of the case.

The applicants in this case claimed descent from Charles Frazier, Jane E. McCrary nee Frazier, and Martha J. Harper, nee McCrary. Jane McCrary nee Frazier, was the daughter of Charles Frazier, and she was the mother of Martha J. Harper, nee McCrary.

June 6, 1902, the record in this consolidated case was returned to the Commission to the Five Civilized Tribes by this office. At that time, as will be seen by the record in the case, said letter being a part of the record, it was stated that it was not clear what weight should be given in determining the merits of the case, to the rejection of the claim of Charles Frazier by the Secretary of War. However, the records of this office show that Charles Frazier had a daughter by the name of Jane Frazier, and that Charles Frazier applied to Agent Ward for enrollment with a view to taking land and remaining in Mississippi, in accordance with the provisions of the 14th article of the Treaty. His claim was rejected by the Secretary of War, and since office letter above referred to, the Choctaw-Chickasaw Supplemental Agreement has become law.

Section 41 declares among other things, that Mississippi Choctaws not of the full-blood, must show that the ancestor under whom they claimed "received a patent to land" under the 14th Article of the Treaty of 1830. Charles Frazier's application having been rejected, these applicants are not entitled to identification as Mississippi Choctaws, and the Commission's decision of May 13, 1902, rejecting them, should be approved and the office so recommends.

From the record it seems that these parties are of Choctaw blood and it is considered proper to consider their right to enrollment as citizens by blood of the Choctaw Nation. Principal applicant William P. Harper was born in the State of Mississippi, removed to Texas when he was about five or six years of age, and resided there until about 1896, when he removed to the Choctaw Nation. He made no application to the Commission for enrollment or identification until June 14, 1900.

W. T. Harper was born in Mississippi and removed to Texas when he was about six years old. He resided in Texas until some time during the year 1896, when he removed to the Choctaw Nation. He has never made any application to the Commission for enrollment as citizen by blood, and did not apply for identification as a Mississippi Choctaw until June 14, 1900.

John L. Harper was born in Mississippi, removed to Texas, but his age at the date of his removal is not shown. He first "came to the Indian Territory in 1878" and from the testimony it appears that he resided there until about 1882, when he returned to Texas. He did not again return to the Choctaw Nation until 1896. He was never enrolled by the tribal authorities, the Commission or the court; has never made application for enrollment as citizen by blood of the Choctaw Nation; and did not apply for identification as a Mississippi Choctaw until June 14, 1900.

From the record it seems that Mary F. Clodfelter, nee Harper, was born in Mississippi; that she removed to Texas and then to the Indian Territory. It is shown that she resided in the Indian Territory continuously since 1887. She was never enrolled by the

tribal authorities and did not apply to the Commission for enrollment as a citizen by blood of the Choctaw Nation. She made no application for identification as a Mississippi Choctaw until June 14, 1900.

The Assistant Attorney General in an opinion dated March 17, 1899, said--

> The Act of 1897 did not provide for new applications for citizenship -- Neither did the Act of 1898 make any provision for new applications for citizenship."

The provisions of law referred to by the Assistant Attorney General, have not been changed by subsequent legislation, and these applicants are not therefore entitled to enrollment as citizens by blood, as they have never been recognized as citizens of the Choctaw Nation, and duly and lawfully enrolled as such.

Very Respectfully,

A. C. Tonner,
Acting Commissioner.

GAW-M

M.C.R. 39

Muskogee, Indian Territory, July 15, 1905.

Walter P. Harper,

Grady, Indian Territory,

Dear Sir:

You are hereby notified that the Secretary of the Interior under date of June 30, 1905, affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter P. Harper et al., of which decision you were advised by registered mail on the 24th day of May, 1902.

Respectfully,

Commissioner.

M.C.R. 39

Muskogee, Indian Territory, July 15, 1905.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 30th day of June, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter P. Harper et al., of which decision you were advised by mail on the 24th day of May, 1902.

Respectfully,

Commissioner.

M.C.R. 39

Muskogee, Indian Territory, July 15, 1905.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

You are hereby notified that on the 30th day of June, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter P. Harper et al., of which decision you were advised by registered mail on the 24th day of May, 1902.

Respectfully,

Commissioner.

M.C.R 39

Muskogee, Indian Territory, July 15, 1905.

Chester Howe,
Attorney at Law,
#623 F. St. N. W.,
Washington, D. C.

Dear Sir:

You are hereby notified that on the 30th day of June, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter P. Harper et al., of which decision you were advised by registered mail on the 25th day of May, 1902.

Respectfully,

Commissioner.

MCR 480 & 39

Muskogee, Indian Territory, August 11, 1905.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28nd ultimo, by reference from the Secretary of the Interior.

In compliance with the request contained in your letter there are herewith enclosed copies of the Department's decision of June 21, 1905, in the Mississippi Choctaw case of Mary R. Johnson, et al., and of June 30, 1905, in the Mississippi Choctaw case of Walter P. Harper, et al.

Respectfully,

Acting Commissioner.

MoM 11/99

C O P Y J.W.H.

Com'r No. 56809-1905

D E P A R T M E N T O F T H E I N T E R I O R,
W a s h i n g t o n. FHE.

I.T.D. 12709-1905.
4984-1904. December 18, 1905.

L R S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

You are advised that a motion for review has been filed in the Department in the Choctaw enrollment case of Walter P. Harper, et al. See departmental letter of June 30, 1905.

Respectfully,

THOS RYAN

First Assistant Secretary.

M C R 39

Muskogee, Indian Territory, May 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Walter P. Harper, et al., the record therein, together with the adverse decision of the Commission to the Five Civilized Tribes rendered May 13, 1902, was, on May 24, 1902, forwarded the Department for consideration.

The record was remanded to this office June 6, 1902, and resubmitted to the Department on April 27, 1903.

June 30, 1905, (I T D 4984-1905) the Secretary of the Interior approved the decision of said Commission of May 13, 1902.

There is herewith transmitted for the consideration of the Department, a petition filed with this office by J. O. Pool, praying for a reopening and reconsideration of the above consolidated case.

Respectfully,

Through the Commissioner
of Indian Affairs.

Acting Commissioner.

MoM 15/2

M C R 39

Muskogee, Indian Territory, May 15, 1906.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, enclosing petition for reopening of Mississippi Choctaw case of Walter P. Harper, et al. The same has this day been forwarded to the Secretary of the Interior for consideration.

Respectfully,

Acting Commissioner.

M C R 39

Muskogee, Indian Territory, July 7, 1906.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

There is herewith enclosed copy of Departmental letter of June 22, 1906 (I T D 11709-1905, 294-1906, 9602-1906), denying the petitions filed by yourself and Chester Howe for a reconsideration of the consolidated Mississippi Choctaw case of Walter P. Harper, et al.

Respectfully,

Commissioner.

MoM 7/1

M C R 39

Muskogee, Indian Territory, July 7, 1906.

Chester Howe, Attorney at Law,
Washington Loan & Trust Building,
Washington, D. C.

Dear Sir:

There is herewith enclosed copy of Departmental letter of June 22, 1906 (I T D 11709-1905, 294-1906, 9602-1906), denying the petitions filed by yourself and J. O. Pool for a reconsideration of the consolidated Mississippi Choctaw case of Walter P. Harper, et al.

Respectfully,

Commissioner.

McM 7/2

M C R 39

Muskogee, Indian Territory, July 7, 1906.

Walter P. Harper,

Grady, Indian Territory.

Dear Sir:

There is herewith enclosed copy of Departmental letter of June 22, 1906, denying the petitions filed by J. O. Pool and Chester Howe for a reconsideration of the consolidated Mississippi Choctaw case of Walter P. Harper, et al.

Respectfully,

Commissioner.

McM 7/3

M C R 39

Muskogee, Indian Territory, July 11, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is herewith enclosed for your information copy of Departmental letter of June 22, 1906 (I T D 11709-1905, 294, 9602-1906), denying the petitions filed by J. O. Pool and Chester Howe for a reconsideration of the consolidated Mississippi Choctaw case of Walter P. Harper, et al.

Respectfully,

Commissioner.

McM 33

J.W.H.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D. 11709-1905.
294-1906.
9602- "

FHE.

June 22, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

Receipt is acknowledged of your communication of May 15, 1906, transmitting a petition filed by J. O. Pool for the reopening and reconsideration of the consolidated Mississippi Choctaw case of Walter P. Harper, et al., in which the Department, on June 30, 1905, approved the decision of the Commissioner to the Five Civilized Tribes of May 13, 1902, adverse to the applicants.

This motion was forwarded by the Indian Office May 23, 1906, and a copy of its letter of that date is inclosed.

The Department is also in receipt of a petition filed on behalf of the applicants by Chester Howe, an attorney at law of this city, praying that the decision of the Department heretofore rendered be revoked and that the applicants be enrolled as citizens of the Choctaw Nation. Both of these petitions have been considered in connection with the record in the case and said decision of the Department dated June 30, 1905.

It is alleged that the principal applicants in this case, viz. Walter P., William T., and John L. Harper, and their sister Mary Clodfelter, are the children of a part blood Choctaw woman named Martha J. Harper, who was the daughter of Matthew McCrary,

by his part Choctaw wife, Jane E. McCrary. The latter obtained her Choctaw blood from her father, Charles Frazier.

Even though it be conceded that the applicants are of Choctaw blood, and that they have resided for many years in the Choctaw Nation, the Department is, in the view of the act of May 31, 1900 (31 Stat.,221), without jurisdiction to enroll them as citizens by blood of the Choctaw Nation. Even if they have the right to enroll ment as such, theirs is a right without a remedy. The decision of the Assistant Attorney-General relied upon by the petitioners in the case of James S. Long is not in point, inasmuch as the latter was enrolled in 1896, by the Choctaw tribal authorities. Such enrollment gave the necessary jurisdiction which is lacking in this case.

Consequently, there remains to be considered the right of the applicants to be identified as Mississippi Choctaws. To establish this right they claim that their ancestor, Charles Frazier, and his daughter Jane, who married Matthew McCrary, are identicial with the Charles Frazier and Jane Frazier, who, according to the records of the Indian Office, attempted, in person or by proxy, to comply with article 14 of the treaty of September 27, 1830. The testimony supplied on behalf of the applicants concerning their ancestry is meager, being limited almost entirely to a statement showing the names of their ancestors and their residence in Mississippi, without locating any particular place of residence. The testimony to this effect, which is not of the best, consists mainly of the affidavits of Sophronia S. Harper and J. B. Mitchell. It is shown that the affidavit of the former was probably obtained through improper means, and every indication is

to the effect that both affidavits were prepared at the same time and by the same persons. The evidence concerning the persons named in the records of the Indian Office who attempted to comply with the treaty is unusually complete, showing their names, ages, degree of Indian blood, marriage and various places of residence, of which the applicants seem to be almost entirely ignorant, except as stated above. While identity of name has been held to be prima facie evidence of identity of person, the rule can not be accepted in this case, in view of certain testimony which strongly tends to rebut the presumption. According to the testimony of the applicants, their grandmother, Jane Frazier, married Matthew McCrary, whom they describe as a "white" man, also as"a big red headed Irishman," who did not claim any Indian blood whatever; whereas, the records of the Indian Office show that the Jane Frazier mentioned therein married a one-half blood Chickasaw Indian. Applicants are also of the impression that their ancestor Charles Frazier was a full blood Choctaw, whereas the Charles Frazier mentioned in the Indian Office records was a one-fourth blood Choctaw.

The premises considered, the petitions referr ed to above, for the enrollment of the applicants and Choctaw by blood, or for their identification as Mississippi Choctaws, are hereby denied. You will please advise all parties in interest hereof.

A copy of Indian Office letter of January 6, 1906, is also inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

2 inclosures.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

LAND
43018-1906.

WASHINGTON.

May 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes dated May 15, 1906 transmitting petition in behalf of the applicants in the consolidated Mississippi Choctaw enrollment case of Walter P. Harper, et al.

The record was forwarded to the Department January 6, 1906 (Land 101797-05).

Very respectfully,

C. F. Larrabee

Acting Commissioner.

MMM

C

COPY

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

LAND

50438-1905
101797-*

January 6, 1906.

The Honarable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of December 18, 1905 (I T D 11709-05, 4984-04), I have the honor to enclose the record in the Mississippi Choctaw enrollment case of Walter P. Harper, et al.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

Walter P. Harper et al

vs.

Choctaw Nation

Miss. Choc. Case No R 39

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd 1900

REFUSED.

JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name Walter P. Harper. (39) Gradey, I.T.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Wife's name, Florence F. Harper.

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship (N.S)

Intermarried citizen? Yes. — Crier (father) Dead

Married under what law? Frances Crier, (mother)

License filed this day .....

Names of children:

	County	Year	Page	No.
(8mo) Hortie.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Robert B. Harper (father) Dead

Martha J. Harper, (mother)

[illegible] NATIONS AND
[illegible] CHOCTAW

REFUSED.

Walter P. Harper et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,
SEP 5 1900

ACTING CHAIRMAN.

61036

Indian Office.

Appl. No. [illegible]

1900

Choc mcR 40 John L. Harper
Harper

See mcR 39

mcR 40

R

MISS.-CHOCTAW
ENROLLMENT

John L. Haper, et. al.

Decision Rendered May 13 1902.

Notice of Decision Forwarded Attorney For Applicants. May 24 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. May 24 1902.

Record Forwarded Department. May 24 1902.

Remanded By the Secretary of The Interior For Further Hearing. Jun 6 1902.

Record Forwarded Department Apr 27 1903.

Action Approved By Secretary of Interior. Jun 30 1905.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. July 15 1905.

Notice of DepartmentalAction Forwarded Attorney For Applicant. July 15 1905.

Notice of Departmental Action Mailed Applicant. July 15 1905.

Refer To M.C.R. 39.

R 401

Mc-1240

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

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In the matter of the application of John L. Harper for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - John L. Harper.
Q - How old are you? A - 37.
Q - What is your post office address? A - Orr, I.T.
Q - How long have you lived at Orr? A - About 4 years.
Q - How long have you lived in the Indian Territory? A - I first came to the Indian Territory in 1878, but I haven't been here continuously, I have been here about 18 years.
Q - Where did you live before coming to the Territory? A - In Texas.
Q - Were you born in Texas? A - No, sir, in Mississippi.
Q - How old were you when you left Mississippi? A - I don't know, sir..
Q - What was the name of your father? A - Robert B. Harper.
Q - Is he living? A - No, sir.
Q - Was he a Choctaw Indian or a white man? A - He was a white man.
Q - What was the name of your mother? A - Martha J. Harper.
Q - Is she living? A - No, sir.
Q - She was a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood did she claim to have?
A - 1/4.
Q - Was her name ever on the Tribal rolls of the Choctaw Nation?
A - Not that I know of.
Q - Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A - No, sir, not that I know of.
Q - What proportion of Choctaw blood do you claim to have? A 1/8
A - Was your name ever appeared on the Tribal rolls of the Choctaw Nation? A - No, sir.
Q - Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Tribal authorities of the Choctaw Nation for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir.
Q - Under what treaty do you claim? A - 1830 and 1866.
Q - You claim under the treaties of 1830 and 1866? A - Yes.
Q - Do you base your claim upon any particular article of either of their treaties or upon all the provisions of the treaties? A- I claim under those two treaties and I don't know whether I claim under any particular article or not.
Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A - Not myself.
Q - Did any of your ancestors ever take advantage of this article? A - Not that I know of.
Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A - I know I didn't, and I don't think they did.
Q - Are you married? A - Yes, sir.
Q - Are you making any claim for your wife? A - No, sir.
Q - Have you any children? A - One child.
Q - What is your wife's name? A - Ella Harper.
Q - Is she a white woman? A - Yes, sir.
Q - Under what law did you marry her? A - Under the Texas, or the United States law.
Q - When? A - In 1891.

John L. Harper - 2.

Q - At what place? A - Spanish Fort, Texas.
Q - Were you living there when you married? A - No, sir, I was in western Texas at the time, I was living there.
Q - Have you your marriage livense and certificate with you?
A - No, sir.
Q - You claim your child is a Mississippi Choctaw? A - Yes,sir
Q - Is it a boy or girl? A - A girl.
Q - Does her claim have the same foundation as your own? A -Yes.
Q - She lives with you? A - Part of the time, and part of the time with her grandparents.
Q - How long since she has been in the Territory now? A - It has been 3 months.
Q - Her residence in the Territory? A - Yes, sir, I claim her residence in the Territory.
Q - Is there any additional statement you desire to make at this time in regard to your case? A - No, sir.
Q - Have you any papers to file with the Commission? A - Yes.
(Affidavit of John L. Harper offered in evidence and placed on file.)
A - I will ask the Commission to file additional papers.
Q - What is the name of your child? A - Jessie L, 7 years old.

The Commission is unable from the testimony in this case to identify you or your child as a Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission giving its reasons fully for its refusal to identify either you or your child as Mississippi Choctaws.

You will be permitted to offer any additional evidence in the form of statements, affidavits, or other proper papers if you desire to do so. The testimony in this case and such papers as you may be pleased to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

A - I want to make this statement. I went to Durant but couldn't get before the Commission.

-----o-----

Bruce V. Jones, being duly sworn, says that as stenographer tonthe Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and thatthe foregoing is a full, correct tna dtue translation of his stenographic notes.

Bruce V. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Muskogee, Indian Territory, November 19, 1901.

W. P. Harper,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13th in which you enclose the following papers:

The affidavits of A. Tennie Martin and I. E. Martin, which you offer for filing in support of the applications for identification as Mississippi Choctaws of William T. Harper, et al., John L. Harper, et al., and Mary F. Gladfelter, et al; the affidavit of A. Tennie Martin offered for filing in support of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., and the affidavit of M. C. Benson, offered for filing in support of the applic tion for identification as Mississippi Choctaws of Annie E. Stanphill, et al.

Yours truly,

Acting Chairman.

W.C.38.
M.C.39.
W.C.40.
W.C.4049.
M.C.4123.

Muskogee, Indian Territory, January 20, 1902.

John L. Harper,

Orr, Indian Territory.

Sir:

In the matter of the application for identification as Mississippi Choctaws of Walter P. Harper, et al., you are informed that under date of July 20, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such application.

It appears from our records that at Colbert, Indian Territory on June 14, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and minor child claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on Monday March 3, 1902, at nine o'clock A. M. there will be heard the tes-

F. E. M. S.

timony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 40.

Commissioner in Charge.

COPY.

W. W. R. 65.

Muskogee, Indian Territory, May 24, 1906.

John L. Harper,

Orr, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Walter P. Harper, et al., embracing the following applications for identification as Mississippi Choctaws:

Walter P. Harper, et al.,	N C R	52
William H. Harper, et al.,	N C R	53
John L. Harper, et al.,	N C R	49
Mary F. Gledfelter, et al.,	N C R	4106

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Walter

COPY.

J L H—H

P. Harper, Hortie Harper, William T. Harper, Henry Harper, Mary Harper, Lona Harper, Myrtle Harper, Beulah Harper, Irene Harper, John L. Harper, Jessie L. Harper, Mary F. Clodfelter, Minnie Clodfelter, Mattie Clodfelter, Tabe Clodfelter, Hattie Clodfelter, Willie Clodfelter, Jesse Clodfelter and Bimbie Clodfelter, as Choctaw Indians entitled to rights in the Choctaw Lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Walter P. Harper for the identification of his wife, Florence E. Harper, as an intermarried Mississippi Choctaw, should therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby

(SIGNED).

Acting Chairman.

Registered.

M.C.R. 40

Muskogee, Indian Territory, July 15, 1905.

John L. Harper,

Orr, Indian Territory,

Dear Sir:

You are hereby notified that on the 30th day of June, 1905, the Secretary of the Interior affirmed the decision of the Commission to the Five Civilized Tribes, refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Walter P. Harper et al., of which decision you were advised by registered mail on the 24th day of May 1902.

Respectfully,

Commissioner.

RECEIVED
JUN 14 1900

MEMORANDA.

(Date) June 14 1900.

Name John L. Harper, (37) Orr, I.T.

Choctaw? Miss, County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/8) Mother's citizenship Choc (1/4)

Intermarried citizen? .....

Married under what law? Texas.

License filed this day .....

Wife's name, Ella Harper, (no)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
7. Jessie L.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A RECORDED CHOCTAW.

Personal appearance this June 14, 1900.

Robert B. Harper, (father) Dead
Martha J. Harper, (mother) Dead

DECISION RENDERED.

MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 24 1902

NOTICE OF [illegible] FORWARDED ATTORNEY [illegible] APPLICANTS

MA[illegible] 1902

FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 24 1902

RECORD FORWARDED DEPARTMENT.

[illegible] 1902

[illegible] BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

JUN [illegible] 1902

RECORD FORWARDED DEPARTMENT.

APR 27 1903

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 30 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUL 15 1903

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

JUL 15 1903

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

JUL 15 1903

REFER TO M. C. R. 39.

Choc mcR 41 Amanda J. Dunn

mcR 41

See mcR 42-43-5569-5015-4998
5894-5915-5896-5895-6053-6054-4834
4836-4837-4838-4675-4833-4835-5567
4967-5541-5274-6217-6218-6219-6220

[illegible] CHOCTAW. R. [illegible]

Amanda J. Dunn

REFUSED.

DECISION RENDERED

[illegible] 1903

NOTICE OF DECISION MAILED [illegible]

NOTICE OF DECISION [illegible]
ATTORNEY FOR APPLICANTS.

FEB 17 1903

NOTICE [illegible]
FOR CHOCTAW AND CHICKASAW [illegible]

RECORD FORWARDED DEPARTMENT.

MAR 5 1903

ACTION APPROVED BY
SECRETARY OF INTERIOR.
AUG 15 1904

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
AUG 27 1904

NOTICE OF DEPARTMENTAL ACTION
FORWARDED AT [illegible] CHOCTAW
AND CHICKASAW [illegible]

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

REFER TO M. C. R. 42-43-5569-5015-4998
[illegible]94-5915-5896-5895-6053-6054-48[illegible]
[illegible]86-4837-4838-4675-4833-4835-556[illegible]
[illegible]7-5541-5294-6217-6218-6219-622[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Amanda I. Dunn, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Amanda I. Dunn,	M.C.R.	41
Annie Catherine Colclasure, et al.,	M.C.R.	43
John H. Dunn, et al.,	M.C.R.	42
Mollie C. Little, et al.,	M.C.R.	5569
William H. Dunn, et al.,	M.C.R.	5015
Henry E. Dunn, et al.,	M.C.R.	4998
John H. Fraley, et al.,	M.C.R.	5894
William A. Fraley, et al.,	M.C.R.	5916
Ida F. Moore, et al.,	M.C.R.	5896
Mollie J. Ferrymore, et al.,	M.C.R.	5895
John Fraley, et al.,	M.C.R.	6053
George W. Fraley,	M.C.R.	6054
Martha M. Thomas, et al.,	M.C.R.	4834
William Thomas,	M.C.R.	4836
Milton Thomas,	M.C.R.	4837
George M. Thomas,	M.C.R.	4838
William Been, et al.,	M.C.R.	4675
McClelland Been,	M.C.R.	4833
Jenettie M. Lathrum, et al.,	M.C.R.	4835
William W. Lee, et al.,	M.C.R.	5567
Otis Lee, et al.,	M.C.R.	4967
Inez G. Curley, et al.,	M.C.R.	5541
Ob Dunn, et al.,	M.C.R.	5274
Arlena M. Kreipke, et al.,	M.C.R.	6219
John F. Zachery,	M.C.R.	6220
Irene J. Zachery, et al.,	M.C.R.	6217
Anna Belle Zachery,	M.C.R.	6218

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COPY.

Cow.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Amanda I. Dunn, et al., for identification as Mississippi Choctaws, consolidating the applications of:-

Amanda I. Dunn,	M.C.R.	41
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John F. Zachery,	M.C.R.	6220
Irene J. Zachery, et al.,	M.C.R.	6217
Anna Belle Zachery,	M.C.R.	6218.

---: D E C I S I O N :---

It appears from the record herein that applications for

identification as Mississippi Choctaws were made to this Commission by Amanda I. Dunn for herself; by Annie Catherine Colclasure for herself and her three minor children, Jennie, Ottie and Gracie Colclasure; by John H. Dunn for himself and his four minor children, John H. Jr., Jesse, Deanie and Dora Dunn; by William H. Dunn for himself and his three minor children, Rufus E., Bessie I. and Dora E. Dunn; by Henry E. Dunn for himself and his three minor children, Reubie, Barnie and Opal Dunn; by John H. Fraley for himself and his minor child, Reuben Frederick Fraley; by William A. Fraley for himself and his three minor children, Edna May, Mary E. and Rosa May Fraley; by Ida F. Moore for herself and her minor child, Pearl E. Moore; by Mollie J. Perrymore for herself and her five minor children,Thomas F., Bue, Ora M., Bunny and Nina C. Perrymore; by John Fraley for himself, his minor child, Ira V. Fraley, and his incompetent brother, Jesse A. Fraley; by George W. Fraley for himself; by Martha M. Thomas for herself and her eleven minor children, Frank K., Tracy, Sarah, Minny E., Winfield S., Robert B., Winfred W., Jesse S., Ida May, Nora M. and Miles A. Thomas; by William Thomas for himself; by Milton Thomas for himself; by George M. Thomas for himself; by William Been for himself and his three minor children, Emily J., Josie, and Eggie M. Been; by McClelland Been for himself; by Jenettie M. Lathrum for herself and her three minor children, Johnnie Newten, Blanche A. and Icil Lathrum; by William W. Lee for himself and his seven minor children, William L., Alva F., Artie E., Silvester C., Manda M., Laura C. and Marion O. Lee; by Otis Lee for

himself and his minor child, Charity Melvina Lee; by Ines G. Curley for herself and her minor child, David Larton Curley; by Ob Dunn for himself and his five minor children, Ura Lee, William F., Lillian T., Benjamin E. and John L. Dunn; by Arlena M. Kreipke for herself and her two minor children, Iva Belle and John B. Kreipke; by John F. Zachery for himself; by Irene J. Zachery for herself and her minor child, Charlie B. Zachery; by Anna Belle Zachery for herself; and by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It further appears that Mollie C. Little (M.C.R. 5569) made application to the Commission on June 13, 1900 for the enrollment of herself as a citizen by blood and of her husband, Willie Little, as a citizen by intermarriage of the Choctaw Nation, and that said application was refused. That thereafter, towit, on March 12, 1902, the said Mollie C. Little was notified that she would be given thirty days from said date in which to submit to the Commission, an affidavit showing that she was entitled to be identified as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, in response to which she filed the affidavit of her grand-mother, Amanda I. Dunn, setting forth

the fact that she was a descendant of Mississippi Choctaws, and her application has, therefore, been considered as one for the identification of herself as a Mississippi Choctaw and of her husband as an intermarried Mississippi Choctaw under the provisions of law above quoted.

It also appears from the record that the applicants herein claim to have had three generations of Choctaw ancestors, residents of Mississippi and heads of families in eighteen hundred and thirty, the most remote of whom is alleged to have been Uo-cubbee, whose name is variously given by applicants as John Yok-cubbage, Yok-cubage, Yo-ko-tubbee, You-tucker, Yo-ku-tubbee, Yo-co-tubbee, Yo-tubbee and John Yo-tubbee, who is alleged to have been a full blood Choctaw Indian; the ancestor in the second generation is alleged to have been the daughter of the said Uo-cubbee, whose name is variously given as above stated, who is alleged to have been named E-tubbee, who married a white man surnamed Cunningham, and whose name is variously given as U-tubbee, Eliza Yo-tubbee, Eu-tubee and E-to-bee, who is alleged to have been a full blood Choctaw Indian; the ancestor in the third generation is alleged to have been the daughter of the said E-tubbee, whose name is variously given as above stated, who is alleged to have been named Mary Ann (or Mary Lucinda) Yates (nee Cunningham), and her name is variously given as Mary Yok-cubbage, Yo-cubby and Yo-cuby, and is alleged to have been a Choctaw Indian, degree of blood not positively stated. It is further shown by the testimony that the principal applicant, Amanda I. Dunn, was born prior to eighteen hundred and thirty, and it is reasonable to presume from the testi-

mony that Jane Jones (or Eliza Jane Jones), Sarah Cunningham, Mary Mailey Cunningham and Malinda Yates, of the fourth generation, were of an age to have been complied for in eighteen hundred and thirty. The discrepancies and conflict in the testimony of applicants as to the names of ancestors and the generation to which such ancestors belong, makes it necessary that all the persons above mentioned be considered in determining the ancestor through whom these applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It appears from the record, however, that on September 7, 1896, application was made to the Commission to the Five Civilized Tribes, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321), for the admission to citizenship by blood in the Choctaw Nation, of John H. Dunn, Mollie C. Dunn, John H. Dunn, Jr., and Jesse Dunn (spelled Dun in said application); that the said application was denied on December 2, 1896 and no appeal taken.

It is found that the name Yok-o-tub-bee appears on page 148 Volume I of Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, in a list of Choctaw heads of families claiming lands under the fourteenth article of the treaty of "Dancing Rabbit Creek;" also on page 872 of said Volume as a child of E-man-che-hubbee, over ten years of age at date of treaty; that the name Yok-o-tubbee appears on page 635 of said volume in a list of cases allowed by Commissioners Tyler, Gaines and Rush and rejected by the Secretary of War, as a child of E-man-che-hubbee over ten years of age at the date of treaty; that the name Yok-o-tubbe appears on page 499 of said Volume in a list of 15 cases fully adjudicated by Commissioners Tyler, Gaines and Rush in 1845, as the child of E-man-che-hubbe over ten years of age at the date of treaty; also on page 505 of said Volume in a list of 43 cases fully adjudicated in 1845, by Commissioners Tyler, Gaines and Rush, as the deceased child of Il-le-ho-yub-be, over ten years of age at the date of treaty; that the name Yo-tubbee appears on page 147 of said Volume in a list of Choctaw heads of families claiming lands under the fourteenth article of the treaty of "Dancing Rabbit Creek", and also on page 813 of said Volume in "a list of names of heads of Choctaw families at the date of the treaty of 'Dancing Rabbit Creek," who sent up their names to the Agent Ward to be registered for the five years stay, by Chish-ah-ho-mah and Ta-bo-kah. It appears from the records in the possession of the Commission that persons bearing the names Yok-a-tubbe, Yok-o-tubbe, Yook-a-tubbee, received scrip as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek." It does not appear from the evidence submitted by the applicants herein that the Uo-cubbee, or John Yok-cubbage, or Yok-cubage, or Yo-ko-tubbee, or

You-tucker, or Ye-ku-tubbee, or Yo-co-tubbee, or Yo-tubbee, or John Yo-tubbee, through whom they claim, is identical with the Yok-o-tub-bee, or Yo-tubbee, or Yoko-tubbe, or Yok-a-tubbe, or Yock-a-tubbee, whose names appear in the records above cited. It is also found that the name Ya-ka-tubbe appears on page 83 and the name Ya-ka-tubbee on page 86 of Volume VII, American State Papers, Public Lands, in a list of Choctaw Indians, heads of families, who resided in Mushulatubbe's District in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama, at the date of the making of the treaty of "Dancing Rabbit Creek", and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty; this record in no way relates to article fourteen of the treaty of eighteen hundred and thirty, or shows a compliance or attempted compliance on the part of the persons therein named with its provisions.

It is found that the name U-tubbee, or Hio-tubbee (alias Mr. Shoat) appears on page 271, Volume I of Claimants Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742 in "class A, cases proved" in Captain Chi-she-ho-ma's Company as the head of a family of four children under ten years of age at the date of treaty; also the name U-tub-bee appears on page 472 of said Volume in the general deposition of H. N. Daniels, and also on page 1101, Volume II of said record in the affidavit of Hi-yok-a-che. It appears from the records in the possession of the Commission that Ut-ubbee, or Hio-tubbee (alias Mr. Shoat) received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek", but it does not appear from the evidence submitted by the several applicants herein that U-tubbee,

through whom they claim, is identical with the Ut-tubbee, or Hio-tubbe, or His-tubbee (alias Mr. Shoat), whose name appears in the records above cited.

It does not appear from the testimony and evidence offered in support of these applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Uo-cubbee (or John Yok-cubbage, or Yok-cubage, or Yo-ko-tubbee, or You-tucker, or Yo-ku-tubbee, or Yo-co-tubbee, or Yo-tubbee, or John Yo-tubbee) or E-tubbee (or U-tubbee, or Eliza Yo-tubbee, or Yo-tubbee, or Eu-tubee, or E-tobee, or Eliza Cunningham, or E-tu-bee Cunningham), through whom these applicants claim, or Mary Ann (or Mary Lucinda) Yates (nee Cunningham, or Mary Yok-cubbage, or Yo-cubby, or Yo-cuby), or Jane Jones (or Eliza Jane Jones), or Sarah Cunningham, or Mary Mailey Cunningham, or Malinda Yates, or applicant Amanda I. Dunn signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus K. Dunn, Bessie I. Dunn, Dora N. Dunn, Henry K. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick

Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newten Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Loura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws,

should, therefore, be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Acting Chairman.

(SIGNED). T. B. Needles.
Commissioner.

(SIGNED). C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

FEB 17 1903

Mc-R41

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I T., June 14, 1900.

In the matter of the application of Amand I. Dunn for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - Amand I. Dunn.
Q - What is your age? A - 72.
Q - What is your post office address? A-- Mead, I.T.
Q - How long have you lived at Mead? A - I have been living there about three or four weeks.
Q - Where did you live before that? A - Johnsonville, I.T.
Q - How long have you lived in the Indian Territory? A - About 7 years.
Q - Have you been living here all the time for the past 7 years? A- Yes, sir.
Q - Where did you live before that? A - In Arkansas.
Q - How many years did you live in Arkansas? A - I came there in 1834.
Q - Where from? A - From Mississippi.
Q - Were you born in Mississippi? A - Yes, sir, I was born in Mississippi and lived there until I was going on 6 years old.
Q - Did you move from there to Arkansas? A - Yes, sir, and from Arkansas to the Territory.
Q - What is the name of your father? A - John Yates.
Q - Is he dead? A - Yes, sir.
Q - Was he a white man or a Choctaw Indian? A - He was a white man.
Q - What is the name of your mother? A - Mary Cunningham was her name before she was married.
Q - Is she dead? A - Yes, sir.
Q - Was she an Indian? A - Yes, sir, she was 1/4 Choctaw.
Q - Was her name ever on the Choctaw Tribal rolls? A - No, I don't think so.
Q - Was she ever recognized by the Tribal authorities of the Choctaw Nation as a Choctaw Indian? A - No, sir, I can't tel you, I wastoo small when she dead.
Q - What proportion of Choctaw blood do you claim? A - I reckon I would be, my mother was 1/2, and mine would be 1/4.
Q - I thought you said your mother was 1/4? A - I was mistaken, my mother was 1/2, and I am 1/4.
Q - Has your name ever appeared on the Choctaw Tribal rolls?
A - I have no knowledge of it.
Q - Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A - I can't tell that.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896 for enrollment? A - No, sir.
Q - Is this your first application? A - Yes, sir, this is my first application.
Q - You claim to be a Mississippi Choctaw? A- Yes, sir, that is the way I look at it.
Q - What treaty do you claim under? A - All the treaties that gives me rights and privileges and the rights of the Tribal authoritie
Q - You claim under all the treaties? A - Yes, sir, that gies me a right.
Q - You don't claim under any particular article of any particular treaty? A - No, sir.
Q - Did you ever take advantage of the provisions of the 14th

article of the Treaty of Dancing Rabbit Creek? A - No, sir.

Q - Did any of your ancestors ever take advantage of the provisions of this article? A - I can't tell you anything about that.

Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - I can't tell you anything about that.

Q - You know whether you did, don't you? A - I didn't.

Q - As to your ancestors you don't know? A - No, sir.

Q - Are you married? A - No, sir, I am a widower.

Q - Have you any children under 21 years of age and unmarried?

A - No, sir, not of my own.

Q - Is there any additional statement in regard to your case that you would like to make at this time? A - No, sir, I will have some evidence in the near future, some testimony that I would like to bring in.

Q - Have you got it with you? A - No, sir, I haven't it with me.

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission in regard to its refusal to identify you as a Mississippi Choctaw in writing through the mails. You will be permitted to offer any additional evidence .

A - Any of my folks on the rolls?

Q - We don't find them on the rolls.

A - Don't you find the Yates and Utubbees on the rolls.

Q - I tell you you can make any statement you want.

A - My mother was a Cunningham and she married Yates and her mother was a Utubbee, I have never been with the Indians until the last 7 years.

J. O. Poole: Q - What was the name of your grandfather? A - He was a Cunningham.

Q - What was the name of your great grandfather? A - Uocubbee.

Q - Was he a Choctaw Indian? A - Yes, sir, and his wife.

Q - Mississippi Choctaw Indians? A - Yes, sir.

Q - Then your grandmother Cunningham was also full blood?

A - Yes, sir, my grandfather was a white man and so was my father.

(Affidavit of AmandaI. Dunn filed as part of the record.)

Commissioner Bixby: The testimony in this case and such papers as you may desire to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

You will be furnished with a copy of the decision of the Commission in regard to your case through the mails. You understand, do you, that the Commission has been unable to identify you as a Mississippi Choctaw, and so far as this Commission is concerned, your identification is refused.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1906.

Commissioner.

Muskogee, Indian Territory, April 25, 1900.

Amanda T. Tonney,

Madill, Indian Territory,

Dear Madam:

The Commission is in receipt of your letter of April 23rd, inclosing what purports to be a copy of a letter of February 13th, from Honorable A. C. Tonner, Assistant Commissioner of Indian Affairs, to Mr. Chester Howe, with reference to certain petitions for enrollment as citizens of the Choctaw Nation, and asking what action has been taken regarding these petitions.

In reply to your letter, you are advised that no action whatever has been taken by the Commission as yet, regarding the petitions referred to. The petitioner in each case will, in the near future, be notified by the Commission of a time and place that a hearing will be given them and they will then have an opportunity of appearing in person to present such evidence as they may deem proper in support of their petitions.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, May 1?, 1900.

Mr. Chester Howe,

623 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of the petition and affidavits in the matter of Amanda I. Dunn et al. vs. the Choctaw Nation, forwarded to the Honorable Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission. The petitioners in this cause are Amanda I. Dunn on her own behalf; Annie C. Collasure, nee Dunn, on her own behalf and on behalf of her husband, W. H. Collasure and her minor children; J. H. Dunn on behalf of his wife, Mary Dunn, and his minor children.

The petition and affidavits are herewith returned to you for the reason that there is no record of Amanda I. Dunn or any of the parties interested in said cause ever having applied in person for identification as Mississippi Choctaws. The Commission cannot receive applications for identification as Mississippi Choctaws except on personal appearance of the applicant, when the party, under oath, may give sufficient evidence on which the Commission can render a decision, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent up to him for review. The petitioners may now appear at this office if they

desire. The Commission, however, will be at Atoka, in the Choctaw Nation, from Monday June 4th, to Friday June 8th, inclusive, and at Colbert, in the Chickasaw Nation, from Monday June 11th to Saturday June 16th, 1900, inclusive, for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations, and applications for identification as Mississippi Choctaws. On such personal appearance, the petitioners will be allowed to file any additional written affidavits or testimony in furtherance of their claims. You will please so notify the interested parties in said cause.

Yours truly,

Acting Chairman.

6-12

MbR 41

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23rd, 1901.

Amanda I. Dunn,

Mead, I.T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
reg.m.
M.C.R. 41

Muskogee, Indian Territory, September 12, 1901.

J. H. Dunn,

505 East Kerr St.,

Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 3, in which you ask to be informed what evidence has been filed in support of your application and the applications of your mother, Amanda I. Dunn, and sister, Annie C. Colclasure. You state that you have had attorneys employed to prepare the evidence in these cases and you are now unable to maintain such services longer and wish to be advised what steps should be taken by you in regard to these applications.

In reply to your letter you are advised that it appears from our records that on June [illegible], 1900, Amanda I. Dunn appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw and that there have been filed in support of this application the petition of Chester Howe and the unsworn statement of J. H. Dunn, the written application of Amanda Dunn, affidavit of Anna C. Colclasure, affidavit of J. H. Dunn and the affidavit of Amanda I. Dunn.

On June 14, 1900, John H. Dunn appeared before the Commission at Colbert, Indian Territory, to apply for the identification of

himself and his minor children as Mississippi Choctaws and for the identification of his wife, Mary Dunn, as an inter-married Mississippi Choctaw; no evidence has been filed in this case except the marriage certificate between John H. Dunn and Mollie Cox.

No action has been taken in regard to these cases or any decision rendered.

It further appears from our records that on June 14, 1900, Annie Catherine Colclasure appeared before the Commission at Colbert, Indian Territory, and applied for the identification of herself and her minor children as Mississippi Choctaws; the only evidence offered in this case at this time is the affidavit of Annie Colclasure. The oral testimony of John H. Dunn was offered in evidence in support of this application on that day. On February 15, 1901, a decision was rendered denying this application and copy of same was mailed to applicant at Mead, Indian Territory.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so and the same will be made a part of the records in these cases. If your relatives desire to make application for identification as Mississippi Choctaws they will be heard on their personal appearance before the Commission at its office at Ateka, Indian Territory, or Meridian, Mississippi, where they will be examined under oath and record made of their application. It is not required

Dear

Such applicants be represented before the Commission by attorneys unless they desire to be so represented by attorneys. This is a matter which is entirely within the discretion of applicants. If you have any witnesses who have, of their own personal knowledge, facts to report in that connection having lived in Mississippi and having been frequenters Choctaw Indians, whether such witnesses are white persons or Indians, they will be examined by the Commission if you desire to present their testimony in support of these applications.

Yours truly,

W.C. Hill, Sup & Com.

FROM MANUSCRIPT VALUES

Muskogee, Indian Territory, October 21, 1902.

Mr. J. H. Dunn,

Sherman,

Texas.

Dear Sir:

Receipt is hereby acknowledged of your communication of October 13, 1902, with which you enclose the affidavit of Isom Lemmola, which you offer for filing in support of the application of your mother for identification as a Mississippi Cherokee.

It appears from our records that on June 14, 1900, John H. Dunn, son of Frank and Amanda I. Dunn, appeared before the Commission at Colbert, Indian Territory, and applied for the identification of himself and his minor children as Mississippi Cherokees. It also appears that on the same date Amanda I. Dunn appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Cherokee.

The affidavit forwarded by you has been made a part of the record in the matter of the application of Amanda I. Dunn for identification as a Mississippi Cherokee, and will receive consideration in the disposition of said application.

Yours truly,

E.S. A.
E.C.B.
F.C.R.

Muskogee, Indian Territory, December 17, 1901.

J. H. Dunn,

Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of letter of the fourteenth instant, signed by yourself and Amanda I. Dunn, with which you inclose letter of S. Heard, an attorney of this city. You ask to be informed if any additional evidence has been filed in support of the applications for identification as Mississippi Choctaws of John H. Dunn, et al. and Amanda I. Dunn, since November 13, 1901.

In reply you are informed that no additional evidence has been offered to the Commission for filing, since November 13, 1901. The Commission cannot advise you as to the sufficiency of the evidence offered in support of any applications for identification as Mississippi Choctaws, until the same are taken up for final consideration. If you desire to offer additional evidence in support of your applications, the Commission will hear the testimony of such witnesses as may present themselves in person at its office at Muskogee, Indian Territory. If your witnesses live in Mississippi they may be heard at the office of the Commission at Meridian, Mississippi, between January 15 and February 15, 1902. If you are unable to

secure the personal attendance of your witnesses, by reason of non-residence in either Mississippi or the Indian Territory, or on any other ground, which, under the rules of the Commission, would constitute inability, their depositions will be considered when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of Applications for identification as Mississippi Choctaws. A copy of said rules and regulations is inclosed you herewith.

The letter of S. Heard is herewith returned to you.

Yours truly,

Commissioner in Charge.

Rules for taking
depositions.

AB 1-17

Miss.Choctaw R 41

Muskogee, Indian Territory, July 2,1902.

F. W. Dunn,

Greenwood, Arkansas,

Dear Sir;

Receipt is hereby ack owledged of your letter of June 29, in which you say that you have been informed that your mother, Amanda I. Dunn has been enrolled by this commission as a Mississippi Choctaw and you ask, if this is true, how you should proceed in order to establish your claim.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the rights of Amanda I. Dunn as a Mississippi Choctaw. As soon as a decision is reached she will be notified of the action of the Commission.

If you desire to present a claim for identification as a Mississippi Choctaw, you will be heard upon your personal appearance at the office of the Commission at Muskogee, Indian Territory.

The authority of the commission to determine the identity of so-called Mississippi Choctaws is found in the following provision of the act of congress of June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the

M C X 41

Muskogee, Indian Territory, February 11, 1903.

Grace & Grace,

Attorneys at Law,

Ardmore, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 3rd instant, in which you ask to be advised the present status of the Mississippi Choctaw cases of Amanda I. Dunn, J. H. Dunn, F. W. Dunn and A. C. Guilelmure.

In reply to your letter you are informed that the cases of these applicants are included in the consolidated Mississippi Choctaw case of Amanda I. Dunn, et al. The Commission has not up to the present time reached any opinion or decision relative to their right to identification as Mississippi Choctaws, but is now considering their applications and it is probable a decision will be rendered in the near future.

The several applicants will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY. M.C.R. 41

Muskogee, Indian Territory, February 17, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 42
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5869
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Ferrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Roubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Loura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larten Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

M.C.R. 41

COPY.

Muskogee, Indian Territory, February 17, 1903.

Chester Howe,

Attorney at Law,

623 F. Street N. W.,

Washington, D. C.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Gelslaure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5669
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Ferrymere, et al.,	M.C.R. 5895
John Fraley et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie H. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kopipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220

Chester Howe,c2

Irene J. Zachery, et al., N.C.R. 6227
Anna Belle Zachery, N.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Oradie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Beanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl R. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Jessie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Loura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under

the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willis Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

M.C.R. 41

COPY.

Muskogee, Indian Territory, February 17, 1903.

J. O. Peel,

Attorney at Law,

Bagouna, Texas.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5869
William H. Dunn, et al.,	M.C.R. 5915
Henry R. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Ferrymore, et al.,	M.C.R. 5898
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6064
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4475
McClelland been,	M.C.R. 4835
Jemettie M. Lathrum, et al.,	M.C.R. 4839
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez C. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena E. Kreipke, et al.,	M.C.R. 5219
John F. Lachery,	M.C.R. 5220
Irene J. Lachery, et al.,	M.C.R. 5217
Anna Belle Lachery,	M.C.R. 5218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deannie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl R. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

the applications made by John H. Dunn for the identification of his wife, Nellie Dunn, and by Nellie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

N.C.R. 41

COPY.

Muskogee, Indian Territory, February 17, 1903.

W. M. Graham,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	N.C.R. 41
Annie Catherine Quisenberry, et al.,	N.C.R. 42
John M. Dunn, et al.,	N.C.R. 43
Mollie G. Little, et al.,	N.C.R. [illegible]
William H. Dunn, et al.,	N.C.R. [illegible]
Henry H. Dunn, et al.,	N.C.R. [illegible]
John H. Fraley, et al.,	N.C.R. [illegible]
William A. Fraley, et al.,	N.C.R. [illegible]
Ida F. Moore, et al.,	N.C.R. [illegible]
Willie F. Harrymore, et al.,	N.C.R. [illegible]
John Fraley, et al.,	N.C.R. [illegible]
George W. Fraley,	N.C.R. [illegible]
Martha M. Thomas, et al.,	N.C.R. [illegible]
William Thomas,	N.C.R. [illegible]
Milton Thomas,	N.C.R. 4537
George M. Thomas,	N.C.R. [illegible]
William Dunn, et al.,	N.C.R. 4575
Mathilland Dunn,	N.C.R. [illegible]
Jeanettie M. Lathrum, et al.,	N.C.R. [illegible]
William V. Lee, et al.,	N.C.R. [illegible]
Otis Lee, et al.,	N.C.R. 4787
Inez G. Gurley, et al.,	N.C.R. [illegible]
Ed Dunn, et al.,	N.C.R. [illegible]
Arlene E. Kreipke, et al.,	N.C.R. [illegible]
John F. Mackey,	N.C.R. [illegible]
Irene J. Mackey, et al.,	N.C.R. [illegible]
Anna Belle Mackey,	N.C.R. [illegible]

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Celelasure, Jennie Celelasure, Ottie Celelasure, Gracie Celelasure, John H. Dunn, John H. Dunn Jr., Jesse Dunn, Dennie Dunn, Dora Dunn, Mellie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Dennis Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fenirl E. Moore, Mellie J. Ferrymore, Thomas F. Ferrymore, Sue Ferrymore, Ora M. Ferrymore, Sunny Ferrymore, Nina G. Ferrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jonettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Leil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion C. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Eva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no persons is entitled to identification as a Mississippi Choctaw by marriage, and that

V.M.Crossman,#8

The applications made by John K. Dunn for the identification of his wife, Nellie Dunn, and by Willis C. Little for the identification of her husband, Willis Little, an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED.

Tams Bixby.

Acting Chairman.

Registered.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 26 1903

ACTING CHAIRMAN

REGISTERED
FEB 25 1903
MUSKOGEE, IND. TER.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, Ind. Ter.
OFFICIAL BUSINESS.
Penalty for private use, $300.

REGISTERED, 331
FEB 19 1903
MUSKOGEE, IND.

Returned
Left Country

Reg No 33/33

Amanda I. Dunn,

Mead, Indian Territory.

2319
367

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 41

Muskogee, Indian Territory, February 17, 1903.

Amanda I. Dunn,

Mead, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Cololasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McCelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newten Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Loura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Atlema M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of his wife, Mollie Dunn and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office,

and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, March 5, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Amanda I. Dunn, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 17, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Amanda I. Dunn,	M.C.R. 41,
Annie Catherine Colclasure, et al.,	M.C.R. 43,
John H. Dunn, et al.,	M.C.R. 42,
Mollie C. Little, et al.,	M.C.R. 5569,
William H. Dunn, et al.,	M.C.R. 5015,
Henry E. Dunn, et al.,	M.C.R. 4998,
John H. Fraley, et al.,	M.C.R. 5894,
William A. Fraley, et al.,	M.C.R. 5915,
Ida F. Moore, et al.,	M.C.R. 5896,
Mollie J. Perrymore, et al.,	M.C.R. 5898,
John Fraley, et al.,	M.C.R. 6053,
George W. Fraley,	M.C.R. 6054,
Martha M. Thomas, et al.,	M.C.R. 4834,
William Thomas,	M.C.R. 4836,
Milton Thomas,	M.C.R. 4837,
George M. Thomas,	M.C.R. 4838,
William Been, et al.,	M.C.R. 4675,
McClelland Been,	M.C.R. 4833,
Jenettie M. Lathrum, et al.,	M.C.R. 4835,
William W. Lee, et al.,	M.C.R. 5567,
Otis Lee, et al.,	M.C.R. 4967,
Ines G. Curley, et al.,	M.C.R. 5541,
Ob Dunn, et al.,	M.C.R. 5374,
Arlena M. Kreipke, et al.,	M.C.R. 4219,
John F. Zachery,	M.C.R. 4220,
Irene J. Zachery, et al.,	M.C.R. 4217,
Anna Belle Zachery,	M.C.R. 4218.

The Secretary, # 2.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 41.

(COPY)

LAND
16024-1903.
22947-1903.
14932-1904D
690-2AD

Department of the Interior

Office of Indian Affairs

Washington July 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to forward herewith, for Departmental action, a report of the Commission dated March 5, 1903, transmitting therewith the record in the consolidated cases of Amanda I. Dunn, et al, applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 17, 1903, refusing to identify them as such.

Applicants, Amanda I. Dunn for herself; Annie Catherine Cololasure for herself and her three minor children, Jennie, Ottie and Gracie Cololasure; John H. Dunn for himself and his four minor children, John H. Jr., Jesse, Deanie and Dora Dunn; William H. Dunn for himself and his three minor children, Rufus H., Bessie I. and Dora E. Dunn; Henry E. Dunn for himself and his three minor children, Reubie, Barnie and Opal Dunn; John H. Fraley for himself and his minor child, Reuben Frederick Fraley; William A. Fraley for himself and his three minor children, Edna May, Mary E. and Rosa May Fraley; Ida F. Moore forherself and her minor child, Pearl E. Moore; Mollie J. Perrymore for herself and her five minor children, Thomas F., Bue, Ora M., Bunny and Nina C. Perrymore; John Fraley for himself and his minor child, Ira V. Fraley and his incompetent brother, Jesse A. Fraley;

George W. Fraley for himself; Martha M. Thomas for herself and her eleven minor children, Frank K., Tracy, Sarah, Minny E., Winfield S. S., Robert B., [illegible] W., Jesse J., Ida May, Nora N., and Miles A. Thomas; William Thomas for himself; Milton Thomas for himself; George M. Thomas for himself; William Been for himself and his three minor children, Emily J., Josie, and Eggie M. Been; McClelland Been for himself; Jessettie M. Lathrum for herself and her three minor children, Johnnie Newton, Blanche A. and Iail Lathrum; William W. Lee for himself and his seven minor children, William L., Alva F., Artie E., Silvester C., [illegible] M., Lewis C. and Marion O. Lee; Otis Lee for himself and his minor child, Charity Melvina Lee; Inez G. Curley for herself and her minor child, David Larton Curley; Ob Dunn for himself and his five minor children, Ora Lee, William F., Lillian T., Benjamin E., and John L. Dunn; Arlena M. Kreiphe for herself and her two minor children, Ivs Belle and John E. Kreiphe; John F. Zachery for himself; Irene J. Zachery for herself and her minor child, Charlie B. Zachery; Anna Belle Zachery for herself; John H. Dunn for the identification of his wife, Mollie Dunn, Mollie C. Little for the identification of her husband, Willie Little as intermarried Mississippi Choctaws, aggregating in all eight-seven applicants, claim rights in the Choctaw lands under Article 14 of the treaty between the United States and the Choctaw Nation concluded September 27, 1830, by reasons of being descendants of one Uesubbee, Variously designated as John Yakoubage, Yakotubbee, Yetubbee, Ysectubbee, Yokutubee, who is alleged to have been a full

blood Choctaw Indian and the great grandfather of principal applicant, Amanda I. Dunn. It is further alleged that the great grandfather, Uochubbee, had a daughter named Utubbee, Variously designated as Etubee, Eutubee, Eliza Yetubbee who is alleged to have been a full blood Choctaw Indian and the grandmother of principal applicant, Amanda I. Dunn; that the said Utubbee had a daughter named Mary Yocubbey, also designated as Mary Ann Yocubbey, Mary Cunningham, whose degree of blood is not positively stated she married a white man named John Yates by whom she had a daughter named Amanda Yates alias Malinda Yates she married J. H. Dunn and is the principal applicant herein from whom the other applicants claim relationship by blood or intermarriage. The files of this office disclosed the names of Yeck-a-tubbee, Yek- ah-tubbee, [illegible] of Yec-a-tubbee, Yek-a-tubbee, Yek-a-tubbee, E-yok-tubbe, Eyak-a-tubbee, Eyak-tubbee, E-a-kah-tubbee and E-ectubbee as minor scrippees and the name of Yeck-ah-tubbee as the child of an applicant for scrip who was rejected.

The records of this office show that one, Yeck-a-tubbee, at the date of the treaty of Dancing Rabbit Creek, was the head of a Choctaw family, living with his two unmarried children, Cunne-no-tubbee and ah-peck-ah-nan-tubbee, within half mile East of Kin-tauk-ka creek in Leflore's district, Miss. Yeck-a-tubbee had two children, born after the treaty, namely, A-ho-nah and Jim. The child Cunne-no-tubbee, died since the treaty, leaving two children, namely,

Wiley and Rhoda. Yock-a-tubbe died six years after the treaty, and his children then resided with his grandfather, Emah-tubbee, (See original deposition of Emah-tubbee on file in this office 34-42- also case no. 67 Evidence in Choctaw Claims Book 101-37). It does not appear that the above nated Yock-a-tubbee ever had a daughter named either Utubbee, Eutubee or Etubee. As to the name Utubbee, the records of this office discloses the name of one, Utubbee, alias Hie-tubbee (his white man's name is Mr. Shoat) a male, not a female, as the head of a Choctaw family living with his wife, Hotemaya, and four unmarried children, namely, Noke-fille-hona, Aya-tona, Laia-na-hona and Emish-taia-hoka on Leaf River near Okatallia town in Mississippi, at the date of the treaty of Dancing Rabbit Creek-1830; that Utubbee was a full blood Choctaw and belonged to Post Oak's Company; that he applied to Col. Ward to be registered as a Mississippi Choctaw and that he never went west. (See Evidence in Choctaw Claims Book 102 pages 1104-5).

It is evident that claimant's ancestor, U-tubbee, also designated as Eutubee and Etubee, who was a female and the grandmother of principal applicant, Amanda I. Dunn[illegible] be identical with the above noted Utubbee who was the male head of a Choctaw family in 1830.

The records of this office further discloses the name of a full blood Choctaw Indian named Yok-un-tubbe, living with his wife, Ishtono, and three unmarried children, namely, One-tes-tubbee (male)

Lesta (male) and Qua-cha (female) on the "Jemmy-speke six miles from its mouth"; that Yok-ma-tubbe applied to Col. Ward and was registered for the five years stay and that he died "four years ago" 1838 (See Evidence in Choctaw Claims Book 102 pages 554-7). It does not appear that Yok-ma-tubbe ever had a daughter named Utubbee or Ut-tu bee or Stubee.

It is found that the name Ye-ke-tub-bee appears on pages 148-499, 435, 505 and 572, of Vol. 1 Claimants Brief and Evidence in case of Choctaw Nation vs The United States before Court of Claims No. 12742 as an applicant for benefits under the provisions of Art. 14 of the treaty of 1830, but said claim appears on page 435 of above cited Vol. to have been rejected. The name Yak-a-tubbe appears on pages 82 and 86 of Vol. VII American State Papers as the head of a Choctaw family, resident in Mississippi at the date of the treaty of 1830.

It does not appear from the evidence submitted on behalf of applicants or from the records of this office that any of the above named applicant's ancestors, either Co-eubbee, variously designated as John Yokeubage, Yokotubbee, Yotubbee, Yeestubbee and Yokutube, the alleged great grandfather of principal applicant, Amanda I. Dunn, nor Utubbee, designated also as Eutubee, Etubee and Eliza Yotubbe, the alleged grandmother of principal applicant, Amanda I. Dunn, nor Mary Yeetubbey, alias Mary Ann Ineubbey, alias Mary Cunningham, afterwards Mary Tatna, the mother of principal applicant, Amanda I. Dunn, are identical with the names of any

Mississippi Choctaw Indian who complied or attempted to comply with the provisions of Art. 14 of the treaty of 1830 or recieved land thereunder or scrip under subsequent legislation relative thereto.

It further appears from the evidence and the records before the Commission that none of the above named applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly established court or Committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provision s of the act of Congress approved June 10, 1896 (29 Stat., 321). Where the Commission commented on the personsal characteristics of the above applicants, as was done in a great majority of the cases, the Commission stated that applicants had the personal characteristics of a person descended from white parentage.

The Evidence submitted considered in connection with the records of this office are insufficient to identify any of the foregoing applicants as descendants of Mississippi Choctaw Indians who were entitled to benefits under Art 14 of the treaty of 1830 or who received lands thereunder or scrip under subsequent legislation relative thereto.

I am further of opinion that under the law, no person is entitled to identification as Mississippi Choctaw by reason of intermarriage alone and for that reason the application of John H. Dunn

for the identification of his wife, Mollie Dunn, and the application of Mollie C. Little for the identification of her husband, Willie Little as intermarried Mississippi Choctaws, should be denied.

I recommend that the decision of the Commission [illegible] 17, 1903, refusing to identify any of the aforenamed applicants as Mississippi Choctaw Indians, be affirmed.

Very Respectfully,

A. C. Tanner.
Acting Commissioner.

O.H.
W.

(COPY)

DEPARTMENT OF THE INTERIOR W.C.P.

B.C. 29825-1904
ITB 5902-1904. WASHINGTON August 18, 1904. FHE

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

March 5, 1903, you transmitted the record in the consolidated Mississippi Choctaw case of Amanda T. Dunn, et al (M.C.R. 41), including your decision of February 17, 1903, which was adverse to the applicants.

Reporting in the matter July 16, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision, in so far as it rejects the applicants, is affirmed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 42

COPY.

Muskogee, Indian Territory, August 27, 1904.

Chester Howe,

Attorney at Law,

623 F Street N. W.

Washington, D. C.

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M.C.R. 41

COPY.

Muskogee, Indian Territory, August 27, 1904.

Cruce & Cruce,

Attorneys at Law,

Ardmore, Indian Territory,

Gentlemen:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

M.C.R. 41

COPY.

Muskogee, Indian Territory, August 27, 1904.

W. M. Gravens,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

SIGNED

Tams Bixby,

Chairman.

M.C.R. 41.

COPY.

Muskogee, Indian Territory, August 27, 1904.

J. O. Pool,
Attorney at Law,
Noeona, Texas.

Dear Sir:

You are hereby notified that on the 18th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

SIGNED:

Tams Bixby,

Chairman.

M.C.R. 41

COPY.

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 18th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda L. Dunn, et al., of which decision you were advised by mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

MUSKOGEE, IND. T.
SEP 7
9 PM

MUSKOGEE, IND. T.
SEP 8
8 AM

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP - 9 1904

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

General Office M. C. R. 41

MUSKOGEE, IND. T. AUG 29 5 — P

RETURNED TO WRITER

HEAD SEP 6 1904 IND. T.

PENALTY FOR PRIVATE USE, $300

Unclaimed.

RETURNED TO WRITER

Amanda I. [illegible]
[illegible], Indian Territory.

4108.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 41

Muskogee, Indian Territory, August 27, 1904.

Amanda I. Dunn,

Mead, Indian Territory,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

Chairman.

M C R 41

Muskogee, Indian Territory, April 12, 1905.

Amanda I. Dunn,

Purcell, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 27th ultimo, by reference from the Secretary of the Interior. Therein you request to be informed the status of your application for identification as a Mississippi Choctaw.

In reply you are advised that on August 15, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered February 17, 1905, refusing your application for identification as a Mississippi Choctaw. Therefore it is not believed that you are in any manner [redacted] entitled to possessory rights of the tribal property of the Choctaws and Chickasaws.

Respectfully,

Acting Commissioner.

JUN 14 1900

MEMORANDA

(Date) June 14, 1900.

Name Amanda J. Dunn (7-A) Miss, J. J.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes, (1/4) Mother's citizenship Choc (1/2)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personal appearance unc. J. P. Testimony Collect. June 14, 1900

John Yates (father) Decd.

Mary Cunningham (mother) Decd.

Table No. 1.

Utubbe (fb) or Uocubbee or John Yocubbags
↓
X (fb)

Utubbee (fb) F (or John Yokcubbags)
↓
Cunningham w.

or Mary Yocubby (fb?) or Mary Yacubby

Mary Ann Cunningham (dead)
mar
John Yates w. (dead)

X
McR 41
Amanda J. Yates 72-1/4
mar
Frederick Dunn w. (dead)
(or Frank Dunn) w

McR 43
Annie Catherine Dunn 49-1/16
mar
William Colclasure w.
(or W. H. Collasure)

McR 42
John H. Dunn 46-1/8
mar
① Ellen Woodward (dead) w
② Mary Cox 41 w.
(or Mollie)

F. W. Dunn 44

McR 43
Jennie Colclasure 14
(or James?)
" Ottie " 11
" Gracie " 4
Lizzie " 21
mar
Maggie Colclasure 18
mar

McR 42
John H. Dunn 17
" Jesse " 9
(or Jessie)
" Deanie " 6
" Dora " 4

McR 5569
Mollie C. Dunn 24-1/16
mar
W. J. Little w
(or J. W. or Willie)

McR 5569
Clarence Quitman Little 19 m
" Revel W. Little 5 m

X Conflict in testimony of applicant & documentary evidence filed in support.

Table No 2

(2)

or Moccubbee

Utubbee (Jb) — or John Yokcubbage

Utubbee (Jb) F

Mary Cunningham dead — Malinda Yates — John H. Dunn (or John Dunn) 57

X — Jt — X Cunningham W. — John W. Yates (dead) — Fred Dunn W. — Mary Dunn

mar — mar — wife

mcr 5015 * William H. Dunn 34 — mar — Ollie Cobb W. (or S. O. ..)

mcr 5015 Rufus E. Dunn 13
" Bessie I. .. 11
" Dora E. .. 9

mcr 4998 Henry E. Dunn 33 1/16 — mar — Minnie McCowan W. (or Minnie B. ..)

mcr 4998 Reubie Dunn 5
" Barnie .. 3
" Opal .. 1

* Attorney for applicant prompts that applicant claims thru Yokotubbee

Table No 3 : Page 1

Youtucker

Mary Cunningham 1/2 (Kuagua)
mar
John Yates
(2) Frances N. Ogden

Malinda Yates dead
mar
Allen Fraley (dead)

Frank Ogden (Francis M.) dead (See next page)

Riley Ogden dead

Dave Ogden dead

McR 5894
John H. Fraley 56 f
mar
Mary Lucinda Obar dead

McR 5895
Mollie J. Fraley 46
mar
Frank Perrymore dead

McR 5894
Reuben Frederick Fraley 18

McR 5915
William A. Fraley 27 f/16
mar
Dora Matlock

McR 5915
Edna May Fraley 6
Mary E. Fraley 4
Rosa M. Fraley 2

McR 5896
Ida F. Fraley 19
mar
Will H. Moore

McR 5896
Pearl E. Moore 14 m

Nancy E. Fraley
mar
— Jordan

Sallie Fraley
mar
— Parker

McR 5895
Thomas F. Perrymore 20
Bue Perrymore 16
Ora M. Perrymore 14
Bunny Perrymore 12
Nina C. Perrymore 10

Edna Perrymore
mar
— Ramsey

Maud Perrymore
mar
— Garner

Jeff Cunningham
mar
Etubbe

Mary Lucinda Cunningham
mar
1 John Yates
2 Francis M. Ogden

Francis M. Ogden
wife
Annie Ogden

Irene J. Ogden 5 7/8
mar
Caleb B. Zachery w.

Jesse B. Zachery 7
wife
Name not given

Archie C. Zachery
Aulda B. Zachery
Dorie P. Zachery

Nek 6218
Anna B. Zachery 28 11/16

Nek 6219
Arlena Zachery 24 1/16
mar
Herman C. Kreipke a.

Nek 6219
Ira Belle Kreipke 2
John B. Kreipke 3 mo

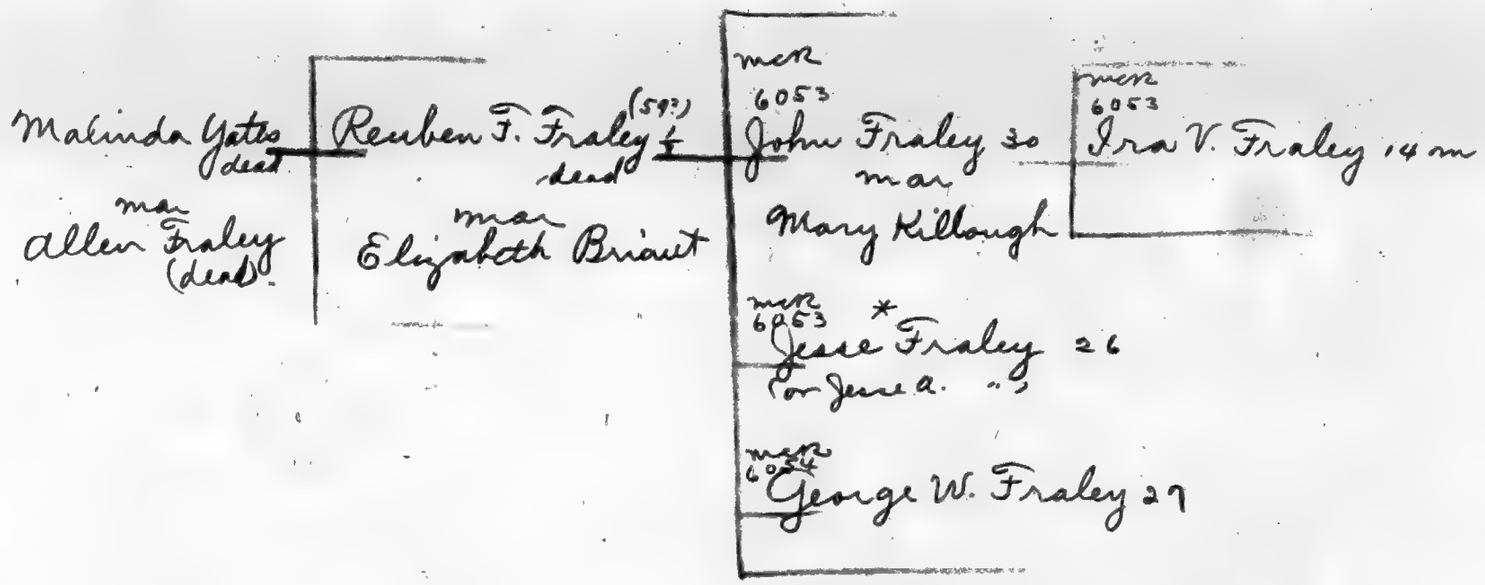
Nek 6220
John F. Zachery 22 1/16
wife
Hattie May Zachery w.

Nek 6217
Charlie B. Zachery 17

Table No 3 page 2

(4)

Malinda Yates
Cont'd



* Incompetent

Table No 4

F * Conflict as to sex.

Yotubbee (Ft) — x — mar — William Cunningham

Jeanette Cunningham & — mar — William Jones — W.

Jane Jones & 22 3/8 dead — mar — Henry Been — W.

Elizabeth Jane Jones

mcR 4834 Martha M. Been 46-1/16 — mar — Daniel Thomas — W.

- mcR 4834 Frank K. Thomas 20
- " Tracy " 18
- " Sarah " 15
- " Minnie E. " 16
- " Winfield S. " 14
- " Robert B. " 13
- " Winfield W. " 11
- " Jesse S. " 9
- " Ida May " 7
- " Nora M. " 5
- " Miles A. " 2
- mcR 4836 William Thomas 27-1/32
- mcR 4837 Milton Thomas 25-1/32
- mcR 4838 George M. Thomas 22-1/32

mcR 4675 William Been 38- (or William E. ") — mar — Ida Jane Barnes — W.

- mcR 4675 Emily J. Been 10
- " Josie " 7
- Eggie M. " 4

mcR 4833 Mrs Clelland Been 35-1/16

mcR 4835 Jenettie M. Been 32-1/16 — mar — Melton L. Lathrum — W.

- mcR 4835 Johnnie Newton Lathrum 11
- " Blanchie A. " 9
- " Ical " 4

Table No. 5

Sarah Cunningham
mar
William Dickenson (or Dickinson) - w.

or Sarah Melvina Dickenson
Sarah Dickenson (57?) dead
mar
(or Israel) Jereal Lee - w.

MCR 5567
William W. Lee 40-1/16
wife
Martha A. Lee - w.

MCR 5567
William L. Lee 18
" Alva F. Lee 17
" Artie E. Lee 13
" Silvester C. Lee 11
" Manda M. Lee 8
" Loura C. Lee 5
" Marion O. Lee 4

MCR 4967
Otis Lee 31-1/16
wife
Eva Lee
w

MCR 4967
Charity Melvina Lee 3 m

Table No. 6

F

Ben Cunningham (dead)
wife
Mary Marley Cunningham (now Yates)

mcR 5541
Inez G. Cunningham 25 1/16
mar
① David Larton (Pottawatomie) dead
② Pete Curley (Pot + Sac + Fox)

mcR 5541
David Larton 3

Malinda Dunn
Cont'd

Table No. 7.

Malinda Yates 1/4 mar John Dunn -W-	John Dunn 1/8 dead wife Lucinda Dunn (dead)	mar 5274 Ob Dunn 43-1/16 wife Charlotte Jane Dunn -W-	mar 5274 Ura Lee Dunn 20 " William F. Dunn 18 " Lillian T. Dunn 16 " Benjamin E. Dunn 14 " John L. Dunn 12

Choc MCR 42 John St. Dunn

See MCR 91

MCR 42

R

MISS-CHOCTAW

ENROLLMENT

John H. Dunn et, al.

REFUSED

Decision Rendered. Feb 17 1903.

Notice of Decision Mailed Applicant. Feb 17 1903.

Notice of Decision Forwarded Attorney For Applicants. Feb 17 1903

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. Feb 17 1903.

Record Forwarded Department. Mar 5 1903.

Action Approved By Secretary of Interior Aug 15 1904.

Notice of Departmental Action Mailed Applicant. Aug 27 1904.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Aug 27 1904.

Notice of DepartmentalAction Forwarded Attorney For Applicnat. Aug 27 1904.

Refer To M.C.R. 41.

R 42

Mc-R42

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

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In the matter of the application of John H. Dunn for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - John H. Dunn.
Q - What is your age? A - 46.
Q - What is your post office address? A - Emmett, I.T.
Q - How long have you lived at Emmett? A - I have been there about five weeks.
Q - Where did you live before that? A -Cliff, I. T.
Q - How long have you lived in the Indian Territory? A - I located here on the 20th day of September, 1891.
Q - Where did you come here from? A - Texas.
Q - How long did you live in Texas? A - I moved to Texas in 1885.
Q - Where did you live before that? A - Arkansas.
Q - Were you born in Arkansas? A Yes, sir.
Q - What was the name of your father? A - Frank Dunn.
Q - Is he living? A - No, sir.
Q - Was he a white man? A - Yes, sir.
Q - What was the name of your mother? A - Amanda I. Dunn.
Q - Is she living? A - Yes, sir.
Q - Is she a Choctaw Indian? A - Yes, sir.
Q - What proportion of Choctaw blood does she claim to have? A - 1/4.
Q - Has her name ever been on the Choctaw Tribal rolls? A - I don't think it has.
Q - What proportion of Choctaw blood do you claim to have, A - 1/8.
Q - Has your name ever been on the Choctaw Tribal rolls? A - I don't know.
Q - You never heard that it was, did you. A - I have no knowledge of it.
Q - Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - Yes, sir.
Q - What action did the Commission take? A - I wasn't enrolled by Mr. McKennon for my application was denied on the ground of non resicende.
Q - Did you ever apply, or take an appeal, to the United States Court? A - Yes, sir.
Q - What action did the Court take? A - I don't unstand it.
Q - Did the Court sustain the judgment of the Dawes Commission or reverse it? A - I was notified that I had had a hearing before the Dawes Commission.
(Records examinedd 1896 Choctaw Citizenship Docket C, page 252, Choctaw case No. 311. John H. Dunn vs. Choctaw Nation; original application filed September 7, 1896; answer of the Choctaw Nation filed. Application denied by the Commission December 2, 1896. No record of any appeal.)
Q - Do you claim to be a Mississippi Choctaw? A - Yes, sir, I claim to be a descendant of one.
Q - What kind of a Choctaw did you claim to be when you make your application in 1896? A - Choctaw, I think.
Q - As a Choctaw by blood? A - Yes, sir.
Q - What makes you think now you are a Mississippi Choctaw?
A - I conferred with my mother from Arkansas and she said

I was a Mississippi Choctaw.

Q - Under what treaty do you claim? A - I claim under the Treaty of 1830 and 1866, and all the laws of Congress pertaining to our rights.

Q - You don't base your claim upon any particular article of any one treaty? A - No, sir, I am not acquainted with the treaties.

Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - I don't know whether I did or not.

Q - Did any of your ancestors ever take advantage of the provisions of this Treaty? A - Not to my knowledge.

Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A - I don't know.

Q - Have you any children? A - Yes, sir.

Q - Do you make any claim for them? A - Yes, sir.

Q - What is the name of their mother? A - Mary Dunn.

Q - Is she a white woman? A - Yes, sir.

Q - Did you marry her under Indian law? A - No, sir.

Q - Where did you marry her? A - Waco, Texas.

Q - When? A - In 1890.

Q - Have you your marriage license and certificate with you?

A - Yes, sir, I have it at the office.

Q - Do you wish to place it on file? A - Yes, sir.

Q - What are the names and ages of your children? A - Jesse is 9, and I have one son by my first wife.

Q - What is her name? A - Ellen Woodward.

Q - Is she dead? A - Yes, sir.

Q - Was she a white woman? A - Yes, sir.

Q - Did you marry her under Indian law? A - No, sir.

Q - Where did you marry her? A - In Arkansas.

Q - Have you got your marriage license and certififate with you? A - No, sir.

Q - What is the age of your children? A - John H. is 17, Deanie Dunn is 6 years old, and Dora is 4 years old.

Q - Is that all? A - Yes, sir.

Q - Do these children all live with you? A - Yes, sir.

Q - Has their residence and post office address always been the same as yours? A - Yes, sir.

Q - Is there any additional statement you would like to make at this time? A - I have some papers I want to file.

Q - Where are they? A - Here they are, we have some other testimony we haven't got.

(Papers offered in evidence and placed on file.)

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. You will be furnished with a copy of the decision of the Commission in writing through the mails in regard to your case.

In the event that you may desire to file any additional evidence in the form of statement or affidavits, you will be permitted to do so.

The testimony in this case and such papers as you may be pleased to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

It appears from the records of this Commission that you made application for admission to citizenship in the Choctaw Nation under the Act of June 10, 1896, and your application was denied by said Commission, and no appeal was taken from said decision.

The Commission had thought that it would not inquire as to the claims made in behalf of applications for enrollment as

intermarried Mississippi Choctaws, for the reason that we are not advised as to any law in existence which provides for the recognition of intermarried Mississippi Choctaws, but I presume that we might as well continue the investigation as we have begun it, and give you every opportunity to cover any case that may be desired.

A - I don't want to ask for anything that is not right.

Q - The question as to whether there is any law providing for intermarried Mississippi Choctaws; we don't know of any, but in order to be upon the safe side and not to close the investigation against any possible rights that you may have, we will take your testimony as to the claim of your wife. What is the name of your wife? A - Mallie Dunn.

Q - How old is she? A - 41.
Q - Is she a white woman? A - Yes, sir.
Q - What is the name of her father? A - James Cox.
Q - Is he living? A - No, sir.
Q - What is the name of her mother? A - Adaline Cox.
Q - Is she living? A - Yes, sir.
Q - Did you marry under Choctaw law? A - No, sir.
Q - Where did you marry her? A - In Texas.
Q - When? A - I married her in 1890.
Q - Have you your marriage license and certificate? A - Yes.
Q - Do you wish to place it on file? A - Yes, sir.

-----o-----

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29th day of June, 1900.

Commissioner.

MCR 42

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20th, 1901.

John H. Dunn,

Emmett, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor children for identification as Mississippi Choctaws, and also the application you make for your wife for identification as an inter-married Mississippi Choctaw.

Yours truly,

Acting Chairman.

Encl.hh
Reg.M.
M.C.R. 42

Jow

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 12, 1901.

J. H. Dunn,

5 05 East Kerr St.,

Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 3, in which you ask to be informed what evidence has been filed in support of your application and the applications of your mother, Amanda I. Dunn, and sister, Annie C. Colclasure. You state that you have attorneys employed to prepare the evidence in these cases and you are now unable to retain such services longer and wish to be advised what steps should be taken by you in regard to these applications.

In reply to your letter you are advised that it appears from our records that on June 14, 1900, Amanda I. Dunn appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw and that there have been filed in support of this application the petition of Chester Howe and the unsworn statement of J. H. Dunn, the written application of Amanda Dunn, affidavit of Anna C. Colclasure, affidavit of J. H. Dunn and the affidavit of Amanda I. Dunn.

On June 14, 1900, John H. Dunn appeared before the Commission at Colbert, Indian Territory, to apply for the identification of

himself and his minor children as Mississippi Choctaws and for the identification of his wife, Mary Dunn, as an inter-married Mississippi Choctaw; no evidence has been filed in this case except the marriage certificate between John M. Dunn and Mollie Cox.

No action has been taken in regard to these cases or any decision rendered.

It further appears from our records that on June 14, 1900, Annie Catherine Celelasure appeared before the Commission at Colbert, Indian Territory, and applied for the identification of herself and her minor children as Mississippi Choctaws; the only evidence offered in this case at this time is the affidavit of Annie Celelasure. The oral testimony of John M. Dunn was offered in evidence in support of this application on that day. On February 15, 1901, a decision was rendered denying this application and copy of same was mailed to applicant at Mead, Indian Territory.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so and the same will be made a part of the records in these cases. If your relatives desire to make application for identification as Mississippi Choctaws they will be heard on their personal appearance before the Commission at its office at Atoka, Indian Territory, or Meridian, Mississippi, where they will be examined under oath and record made of their application. It is not required

that applicants be represented before the Commission by attorneys unless they desire to be so represented by attorneys; that is a matter which is entirely within the discretion of applicants. If you have any witnesses who know, of their own personal knowledge, facts in regard to your ancestors having lived in Mississippi and having been recognized Choctaw Indians, whether such witnesses are white persons or Indians, they will be examined by the Commission if you desire to present their testimony in support of these applications.

Yours truly,

M.C. #41, #42 & #43.

C. R. Breckinridge

Commissioner in Charge.

Muskogee, Indian Territory, October 21, 1901.

Mr. J. H. Dunn,

Sherman,

Texas.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 13, 1901, with which you enclose the affidavit of Isam Immi-nola, which you offer for filing in support of the application of your mother for identification as a Mississippi Choctaw.

It appears from our records that on June 14, 1900, John H. Dunn, son of Frank and Amanda I. Dunn, appeared before the Commission at Colbert, Indian Territory, and applied for the identification of himself and his minor children as Mississippi Choctaws. It also appears that on the same date Amanda I. Dunn appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw.

The affidavit forwarded by you has been made a part of the record in the matter of the application of Amanda I. Dunn for identification as a Mississippi Choctaw, and will receive consideration in the disposition of said application.

Yours truly,

M.C. 4
M.C.42
M.C.43.

Muskogee, Indian Territory, December 17,1901.

J. H. Dunn,

Sherman, Texas,

Dear Sir:

Receipt is hereby acknowledged of letter of the fourteenth instant, signed by yourself and Amanda I. Dunn, with which you inclose letter of S. Heard, an attorney of this city. You ask to be informed if any additional evidence has been filed in support of the applications for identification as Mississippi Choctaws of John H. Dunn, et al. and Amanda I. Dunn, since November 13, 1901.

In reply you are informed that no additional evidence has been offered to the Commission for filing, since November 13, 1901. The Commission cannot advise you as to the sufficiency of the evidence offered in support of any applications for identification as Mississippi Choctaws, until the same are taken up for final consideration. If you desire to offer additional evidence in support of your applications, the Commission will hear the testimony of such witnesses as may present themselves in person at its office at Muskogee, Indian Territory. If your witnesses live in Mississippi they may be heard at the office of the Commission at Meridian, Mississippi, between January 15 and February 15, 1902. If you are unable to

secure the personal attendance of your witnesses, by reason of non-residence in either Mississippi or the Indian Territory, or on any other ground, which, under the rules of the Commission, would constitute inability, their depositions will be considered when taken in accordance with the rules and regulations of the Commission of November 4, 1901, governing the taking of depositions in support of Applications for identification as Mississippi Choctaws. A copy of said rules and regulations is inclosed you herewith.

The letter of S. Heard is herewith returned to you.

Yours truly,

Commissioner in Charge.

Rules for taking
depositions.

AB 1-17

Miss.Choc.42

Muskogee, Indian Territory, July 17, 1902.

John Dunn Jr.,

Thackerville, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 8th instant, in which you state you have heard nothing from the Commission since you appeared before them for enrollment; that you are in peaceable possession of your legal share of land, and ask if you can collect your rent for this year.

In reply you are informed that the records of the Commission do not show that any person by the name of John Dunn Jr.,has made application for identification as a Mississippi Choctaw. The records do show, however, that John N. Dunn, forty-six years of age, of Mead, Indian Territory, on June 14, 1900, made application for the identification of himself and his minor children, John N., Jesse, Deanie and Dora Dunn, as Mississippi Choctaws and for the identification of his wife, Mollie, as an intermarried Mississippi Choctaw. No decision has yet been reached, nor opinion rendered, relative to their rights as Mississippi Choctaws. These persons occupy the status of applicants for identification as Mississippi Choctaws, whose right to such identification has in no manner been determined.

If you are not the identical John N. Dunn Jr.,whose application is included in the application of John N. Dunn, herein re-

ferred to, and you will advise the Commission when, where and under what name you made application, the nature of your application and such other information as will enable the Commission to identify you as an applicant, the matter will receive further consideration.

Yours truly,

Acting Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 26 1903

REGISTERED
FEB 25 1903
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED, FEB 19 1903 MUSKOGEE, IND. TER.

2320

Returned Left Country

Reg. Aug 34/33

John H. Dunn,

Mead, Indian Territory.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 42

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 17, 1903.

John H. Dunn,

Mead, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Cololasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Jenettie M. Lathrum et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Inez G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Cololasure, Jennie Cololasure, Ottie Cololasure, Gracie Cololasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Fearirl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Ines G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried

Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

Department of the Interior.
Compilation to the Five Civilized Tribes,
at MUSKOGEE, IND. TER.

M. C.

42

General Office

RETURNED TO WRITER

AUG 29 5 — P 1904

MAIL SEP 6 1904 IND.T.

Unclaimed.

John H. D[illegible]

[illegible] territory.

RETURNED TO WRITER

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 42

Muskogee, Indian Territory, August 27, 1904.

John H. Dunn,

Mead, Indian Territory,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

Chairman.

Wife - Mollie Dunn. (41)

James Cox, (father) Dead

Adeline Cox, (mother)

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

REFUSED.
JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name John H. Dunn, (116) Mead, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/8) Mother's citizenship Choc (1/4)

Intermarried citizen? .....

Married under what law? Texas.

License filed this day, ...

Wife's name, Mary Dunn. (no)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

17. John. → (Eldest) Dead

9. Jesse. County ..... Year ..... Page ..... No. .....

6. Dena. County ..... Year ..... Page ..... No. .....

4. Dora. County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

County ..... Year ..... Page ..... No. .....

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Witness objected to testifying and testimony stricken out. Caleb Johnson, June 14, 1900.

Frederick Dunn (father) Dead

Amanda J. Dunn, (mother) —

"

Choc mcR 43 Anna C. Colclasure

see mcR 41

mcR 43

MISS.-CHOCTAW

ENROLLMENT

Anna C. Colclasure. et,al.

REFUSED

Decision Rendered Feb 17 1903

Notice of Decision Mailed Applicant. Feb 17 1903.

Notice of Decision Forwarded Attorney For Choctaw And Chickasaw Nations. Feb 17 1903.

Record Forwarded Department Mar 5 1903.

Action Approved By Secretary Of Interior. Aug 15 1904.

Notice of Departmental Action Forwarded Attorneys For Choctaw and Chickasaw Nations. Aug 27 1904.

Notice of Departmental Action Forwarded Attorney For Applicant Aug 27 1904.

Refer To M.C.R. 41.

1/17/02. P.O. Johnson. I. T.

MC-842

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14,1900.

In the matter of the application of Annie Catherine Colclasure for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Annie Catherine Colclasure.
Q What is your age? A Forty-nine.
Q What is your post-office address? A Mead, I. T.
Q How long have you lived at Mead? A Been there about six weeks.
Q How long have you lived in the Indian Territory? A Six years.
Q Been living here all the time for six years? A Yes sir, except twice when I was off on a visit.
Q Where did you live before coming to the Indian Territory?
A In Arkansas.
Q How long did you live in Arkansas? A About forty-three years.
Q Where were you born? A In Arknsas.
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A Frederick Dunn.
Q He a white man? ~~A~~ or a Choctaw Indian? A White man.
Q What is the name of your mother? A Amanda I Dunn.
Q She living? A Yes sir.
Q She a Choctaw Indian? A Yes sir.
Q Her name ever been on the Choctaw rolls? A I don't know.
Q What proportion of Choctaw blood does she claim to have?
A One-fourth.
Q Has she ever been recognized by the Tribal authorities as a Choctaw being a Choctaw? A I don't know.
Q What proportion of Indian blood do you claim to have?
A One-sixteenth.
Q Has your name ever been on the Choctaw rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A I don't know; my brother applied and I don't know whether I was in it or not.
Q You are not positive whether your application was made to the Dawes commission in 1896 or not? A No sir.

JOHN H. DUNN, being sworn and examined by Acting Chairman Bixby testifies as follows:

Q What is your name? A John H. Dunn.
Q Are you a relative of Mrs. Colclasure? A She is my sister.
Q You made application to the Dawes Commission in 1896?
A Yes sir.
Q In your own behalf? A Yes sir.
Q Did you make application in behalf of Mrs. Colclasure too?
A I think so, I intended so.
Q Your recollection is not very distinct upon that point but to the best of your knowledge and belief you did? A Yes sir I think I incorporated her and her children and my brother also in the application.

Note: Records examined, and found to read as follows: 1896 Citizenship Docket "C", page 252, Choctaw case #311, John H. Dunn vs Choctaw Nation; Original application filed September 7th, 1896. Answer of the Choctaw Nation filed. Applicant nied by the Commission December 2nd, 1896. No record of peal.

Mrs. Annie Catherine Colclasure, being re-e

Q You claim to be A Mississippi Choctaw? A Yes sir.
Q Under which treaty do you claim? A I claim under all the treaties.
Q Claim under all the treaties ever made between the Choctaw Indians and the Government of the United States? A Yes sir, No, not all; all that we have protection under, the Choctaw and Chickasaw Indians.
Q All that the Choctaw and Chickasaw Indians would have protection under? A I don't know anything about the treaties.
Q You don't base your claim then upon the particular provisions of any one of the Treaties? A No sir.
Q Did you ever take advantage of the provisions of the14th article of the Treaty of Dancing Rabbit Creek A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this treaty? A No sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of this Treaty? A No sir.
Q Are you married? A Yes sir.
Q Making any claim in behalf of your husband? A No sir.
Q Have you any children under twenty-one years of age?
A Yes sir.
Q You claim they are Mississippi Choctaws? A Yessir.
Q Their claim has the same foundation as your own has it not?
A Yes sir.
Q Do the children live with you? A One of them.
Q Where are the others? A Their father has them.
Q Where? A I don't know; somewheres in this Territory. He was at Spiro.
Q What is the name of your husband? A William Colclasure.
Q He a white man? A Yes sir.
Q Did you marry him under Choctaw law? A No sir.
Q Where were you married? A In Arkansas.
Q When? n A In 1875.
Q Have you your marriage license and certificate with you?
A No sir.
Q What are the names and ages of your children that are with your husband? A Jennie Colclasure, fourteen years old; Ottie Colclasure, eleven years old;
Q What are the names and ages of the children living with you?
A Gracie Colclasure, nine years old.
That is all that is unmarried.
Q Do you think of any additional statement that you would like to make at this time in regard to your case? A No sir.
Q Have you any papers that you desire to file? A Yes sir

(Affidavit of Annie Colclasure offered in evidence, and placed on file.)

The Commission is unable from the testimony in this case to identify either you or your children as Mississippi Choctaws. The decision of the Commission in regard to your case will be furnished you in writing through the mails.

In the event that you desire to file any additional evidence in the form of statements, affidavits or other proper papers you will be permitted to do so. And this testimony and such papers as you may file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nationare sent to him for final approval.

M.D.Green, being first duly sworn, states

Annie Catherine Colclasure #8

that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

Subscribed and sworn to before me this 3 day of June 1909.

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Annie Catherine
Coleman, et al

MCR
#45

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Annie Catherine Colclasure for the identification of herself and her minor children Jennie, Ottie, and Gracie Colclasure, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Annie Catherine Colclasure appeared before the Commission at Colbert, Indian Territory, June 14, 1900, and there made application for the identificiation of herself and her minor children, Jennie Colclasure, Ottie Colclasure, and Gracie Colclasure, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Annie Catherine Colclasure, for herself and her minor children,

Jennie Colclasure, Ottie Colclasure, and Gracie Colclasure, as Mississippi Choctaws, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory. FEB 1[illegible] 1901

Muskogee, Indian Territory, September 12, 1902.

J. M. Dunn,

503 East Kerr St.,

Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of September 3, in which you ask to be informed what evidence has been filed in support of your application and the applications of your mother, Amanda I. Dunn, and sister, Annie C. Celclasure. You state that you have had attorneys employed to prepare the evidence in these cases and you are now unable to maintain such services longer and wish to be advised what steps should be taken by you in regard to these applications.

In reply to your letter you are advised that it appears from our records that on June [illegible], 1900, Amanda I. Dunn appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Chester and that there have been filed in support of this application the petition of Chester Hows and the unsworn statement of J. M. Dunn, the written application of Amanda Dunn, affidavit of Anna C. Celclasure, affidavit of J. M. Dunn and the affidavit of Amanda I. Dunn.

On June 14, 1900, John M. Dunn appeared before the Commission at Colbert, Indian Territory, to apply for the identification of

himself and his minor children as Mississippi Choctaws and for the identification of his wife, Mary Dunn, as an inter-married Mississippi Choctaw; no evidence has been filed in this case except the marriage certificate between John H. Dunn and Mollie Cox.

No action has been taken in regard to these cases or any decision rendered.

It further appears from our records that on June 14, 1900, Annie Catherine Celelasure appeared before the Commission at Colbert, Indian Territory, and applied for the identification of herself and her minor children as Mississippi Choctaws; the only evidence offered in this case at this time is the affidavit of Annie Celelasure. The oral testimony of John H. Dunn was offered in evidence in support of this application on that day. On February 15, 1901, a decision was rendered denying this application and copy of same was mailed to applicant at Mead, Indian Territory.

If you wish to offer any further evidence in support of these applications, either the oral testimony of witnesses, their depositions or affidavits, or any documentary evidence, you will be permitted to do so and the same will be made a part of the records in these cases. If your relatives desire to make application for identification as Mississippi Choctaws they will be heard on their personal appearance before the Commission at its office at Atoka, Indian Territory, or Meridian, Mississippi, where they will be examined under oath and record made of their application. It is not required

3---

that applicants be represented before the Commission by attorneys unless they desire to be so represented by attorneys; that is a matter which is entirely within the discretion of applicants. If you have any witnesses who know, of their own personal knowledge, facts in regard to your ancestors having lived in Mississippi and having been recognized Choctaw Indians, whether such witnesses are white persons or Indians, they will be examined by the Commission if you desire to present their testimony in support of these applications.

Yours truly,

M.C. #41, #42 & #43.

Muskogee, Indian Territory, October 21, 1901.

Mr. J. H. Dunn,

Sherman,

Texas.

Dear Sir:-

Receipt is hereby acknowledged of your communication of October 13, 1901, with which you enclose the affidavit of Isam Imminola, which you offer for filing in support of the application of your mother for identification as a Mississippi Choctaw.

It appears from our records that on June 14, 1900, John H. Dunn, son of Frank and Amanda I. Dunn, appeared before the Commission at Colbert, Indian Territory, and applied for the identification of himself and his minor children as Mississippi Choctaws. It also appears that on the same date Amanda I. Dunn appeared before the Commission at Colbert, Indian Territory, and applied for identification as a Mississippi Choctaw.

The affidavit forwarded by you has been made a part of the record in the matter of the application of Amanda I. Dunn for identification as a Mississippi Choctaw, and will receive consideration in the disposition of said application.

Yours truly,

M.C. 41
M.C.42
M.C.43.

Muskogee, Indian Territory, May 28, 1901.

Dr. J. P. Dean,

Pauls Valley, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 20, in which you ask if the names of Coney or Connaugh, and Colclazier appear on the Choctaw, Mississippi Choctaw or Chickasaw rolls. In reply to your letter you are advised that neither the name of Coney nor Connaugh appears on either the Choctaw or Chickasaw rolls, or among the names of those who have applied for identification as Mississippi Choctaws.

The records of the Commission show that on June 14, 1900, Annie Catherine Colclasure appeared before the Commission at Colbert, Indian Territory, and applied for the identification of herself and her three minor children as Mississippi Choctaws. On February 15, 1901, the Commission rendered a decision in this case refusing the claim of these applicants to identification as Mississippi Choctaws, and a copy was mailed to them at Mead, Indian Territory. This is the only person by the name of Colclasure who appears on the records of the Commission. The name of Colclazier, as spelled by you, is not found among the records of the Commission.

Yours truly,

MCR 43

Acting Chairman.

Muskogee, Indian Territory, January 17, 1902.

A. C. Colclasure,

Johnson, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the twelfth instant designating the land that you desire as your selection of an allotment in the Choctaw Nation.

In reply to your letter you are advised that it appears from our records that your status is that of an applicant for identification as a Mississippi Choctaw whose rights as such have not been fully adjudicated by the Commission to the Five Civilized Tribes and the Department of the Interior.

You are further advised that the rights of Mississippi Choctaws to share in the allotment of the lands of the Choctaw Nation will only be accorded to those applicants who are duly identified , and who, after such identification, come within the provisions of the following section of the act of Congress of May 31, 1900:

"That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said

United States Commission and by the Secretary of the Interior as Choctaws entitled to allotment."

The allotment of lands of the Choctaw-Chickasaw country will be made only to those citizens whose names appear upon the final rolls as approved by the Secretary of the Interior, and as your status as not been determined at this time, it is not believed that you are entitled in any manner to hold possession of the lands of the Choctaw and Chickasaw Nations as a citizen of either of these tribes.

You are further advised that the Commission cannot at this time make any record of the selections of the citizens of the Choctaw Nation of any separate tract of land within the Choctaw-Chickasaw country. Matters of this character will receive the attention of the Commission upon the establishment of an allotment office within the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

MC 43

M.C.R. 43

C Y.

Muskogee, Indian Territory, February 17, 1903.

Annie C. Colclasure,

Mead, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

Amanda I. Dunn,	M.C.R. 41
Annie Catherine Colclasure, et al.,	M.C.R. 43
John H. Dunn, et al.,	M.C.R. 42
Mollie C. Little, et al.,	M.C.R. 5569
William H. Dunn, et al.,	M.C.R. 5015
Henry E. Dunn, et al.,	M.C.R. 4998
John H. Fraley, et al.,	M.C.R. 5894
William A. Fraley, et al.,	M.C.R. 5915
Ida F. Moore, et al.,	M.C.R. 5896
Mollie J. Perrymore, et al.,	M.C.R. 5895
John Fraley, et al.,	M.C.R. 6053
George W. Fraley,	M.C.R. 6054
Martha M. Thomas, et al.,	M.C.R. 4834
William Thomas,	M.C.R. 4836
Milton Thomas,	M.C.R. 4837
George M. Thomas,	M.C.R. 4838
William Been, et al.,	M.C.R. 4675
McClelland Been,	M.C.R. 4833
Lenettie M. Lathrum, et al.,	M.C.R. 4835
William W. Lee, et al.,	M.C.R. 5567
Otis Lee, et al.,	M.C.R. 4967
Ines G. Curley, et al.,	M.C.R. 5541
Ob Dunn, et al.,	M.C.R. 5274
Arlena M. Kreipke, et al.,	M.C.R. 6219
John F. Zachery,	M.C.R. 6220
Irene J. Zachery, et al.,	M.C.R. 6217
Anna Belle Zachery,	M.C.R. 6218

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearil E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Dee Perrymore, Ora M. Perrymore, Dunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Egie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Ioil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Loura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Ines G. Curley, David Larton Curley, Ob Dunn, Ura Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

43

RETURNED TO WRITER

MUSKOGEE IND. T. AUG 6 P 1904

RECEIVED SEP 6 1904 IND. T.

FOR PRIVATE USE

General Office

Unclaimed.

Annie C. Goldsmith,

[illegible] Territory.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:
M.C.R. 43

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1904.

Annie C. Colclasure,

Mead, Indian Territory,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

Chairman.

RE

[redacted]

(Date) June 14, 1900.

Name Anna C Coldsmith (Age) Mcal, I.T.

Choctaw? Miss. County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes (1/8) Mother's citizenship Choc (1/4)

Intermarried citizen?

Married under what law?

License filed this day.

~~Wife's name~~ (Husband) Wm Coldsmith (no)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
W. Pinnamit.	(with father)	Year	Page	No.
11. Otto.	County	Year	Page	No.
9. Jesse.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDEX ONLY
A MISSISSIPPI CHOCTAW

Frederick Dunn, (father)
Amanda J Dunn, (mother)

Clue [illegible] Angelica X 5.95

See MCR 288

MCR 44

R44

MISS.-CHOCTAW

ENROLLMENT

Mozella J. St. Cyr et,al.

REFUSED

Decision Rendered Jun 4 1902

Notice of Decision Forwarded Attorney For Applicants Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. Jun 14 1902.

Record Forwarded Department Jun 14 1902.

Action Approved By Secretary of Interior. Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

Refer To M.C.R. 288.

11/6/01-Wynnewood I. T.

R 44

Mc-R44

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of Mozella J. St. Cyr for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Mozella J. St. Cyr.
Q What is your age? A Forty-six.
Q What is your post-office address? A Durant, Blue County, Indian Territory.
Q How long have you lived in the Indian Territory? A This past January a year.
Q You came here in January 1899? A Yes sir.
Q Where did you come from? A Texas.
Q How long had you lived in Texas? A All my life except three years.
Q Where did you live the first three years of your life? A I lived in Texas.
Q You were born in Texas were you? A I was born and raised in Texas.
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A ~~Xxx~~ Wm. C. Cunningham.
Q He living? A No sir.
Q Was he a Choctaw Indian? A No sir.
Q White man? A Yes sir.
Q What is the name of your mother? A Almeda Borren ~~Xxxxx~~ was her maiden name.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A She is a descendant of a Mississippi Choctaw.
Q What proportion of Choctaw Indian blood does she claim to have? A Half-breed.
Q Has her name ever been on the Choctaw rolls? A No sir.
Q Has she ever been recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q What proportion of Choctaw blood do you claim to have? A Quarter.
Q Has your name ever been on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A No sir, I applied last year.
Q Where? A At Durant.
Q Did the Commission refuse your enrollment at that time? A Yes sir.
Q You claim to be a Mississippi Choctaw? A Descendant of a Mississippi Choctaw.
Q Under what treaty do you claim? A All the treaties.
Q All the treaties made between the Choctaw Indians and the Government of the United States? A I suppose so.
Q Do you claim under any treaties made between the Choctaws and the Chickasaws? A I ~~xx~~ come under all the treaties.
Q You don't base your claim then upon any one article of any treaty? A I know nothing about the articles.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Are you married? A Yes sir.

Q Are you making any claim in behalf of your husband? A Nosir.
Q Have you any children under twenty-one years of age?
A I have six.
Q Do you claim that they are Mississippi Choctaws? A Descendants of Mississippi Choctaws.
Q Does their claim have the same foundation as your own? A Yes sir.
Q Are they living with you? A Every one.
Q Their residence and post-office address has always been the same as yours? A Yes sir.
Q What is the name of your husband? A Ben St. Cyr.
Q Is he a white man? A Yes sir.
Q Did you marry him under Choctaw law? A No sir.
Q Where did you marry him? A McClellan County, Texas. In 1883.
Q Have you your marriage license and certificate with you?
A No sir.
Q What are the names and ages of your children? A Alva M. St. Cyr, sixteen; Ben C. St. Cyr, fourteen; Meda M. St.Cyr, ten; Mozella F. St. Cyr, seven; Charles C. St.Cyr, five; Ed M. St.Cyr, two.
Q Is there any additional statement in regard to your case that you would like to make at this time? A I have three aunts and a brother and one uncle that is on the roll.
Q On the Tribal rolls? Or the rolls of the Dawes Commission?
A Rolls of the Dawes Commission.
Q They were admitted by a judgment of the United States Court were they? A I think so.
Q You don't know that they have ever been recognized by the tribal authorities as Indians do you? A I don't know. My brother votes with the Choctaws.
Q What is your brother's name? A Crudup.

Note: Choctaw Tribal rolls examined, no persons by the name of Crudup found thereon.)
Q Is there any additional statement in regard to your case you would like to make at this time? A No sir.
Q You appeared before this Commission at Durant did you not?
A Yes sir.
Q Your application was rejected then? A Yes sir.
Q Have you any papers you would like to file?
(Affidavit of Mozella J. St. Cyr offered in evidence and placed on file.)

The Commission is unable, from the testimony in this case, to identify either you or your children as Mississippi Choctaws. The decision of the Commission, refusing to identify you or your children as Mississippi Choctaws will be furnished you in writing, through the mail, at some future day.

This testimony in this case and any papers which you may be pleased to file with this Commission in the future, will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

M.D.Green, being first duly sworn, states that as stenographer to the Commissionto the Five Civilized Tribesshe reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken insaid case.

M D Green

Subscribed and sworn to before me this 2 day of June 1900.

Acting Chairman.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of Mozella J. St. Cyr and her six minor children

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The applicant, Mozella J. St. Cyr, appeared before the Commission at Colbert, Indian Territory, June 14th, 1900 and from her oral testimony given at that time in behalf of her own claim for identification as a Mississippi Choctaw and a claim that she makes for her six minor children as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the ChoctawNation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identifiedby this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any report of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior; Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, Further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Mozella J. St. Cyr and her minor children, Alba E., Ben D., Nels B., Mozella F., Chas. C. and Ed. L. St. Cyr, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 14, 1900.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Mozella J. StCyr for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Mozella J. StCyr.

Q How old are you? A Forty-five.

Q Are you on the Choctaw rolls? A No sir.

Q Have ever you been? A No sir.

Q Have your parents ever been? A No sir.

Q Where do you live? A In the Territory.

Q When did you come from Texas? A Last January.

Q You were born and raised in Texas? A Yes sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Muskogee, Indian Territory, September 5, 1901.

Rosella J. St. Cyr,

Durant, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and six minor children, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 44

Commissioner in Charge.

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGI... SEP 9 1902 MUSKOGEE, IND. TER.

[redacted]

Unclaimed

2154
12-N-

Returned

FORWARDED.

Mozella J. St. Cyr,
~~Homer~~ ~~Hymewood~~
~~[redacted]~~ I.T.

Reg No. 88/88

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

[redacted]

REGISTERED JUN 12 1902 MUSKOGEE, IND. TER.

8836

Mozella J. St Cyr,
Durant,

Indian Territory.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 44

Muskogee, Indian Territory, June 24,1902.

Mozella J. St Cyr,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Renshali C. Barron, et al. embracing the following applications for identification as Mississippi Choctaws:

Renshali C. Barron, et al.,	MCR	[illegible]
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Tayler, et al.,	MCR	45
Cornelius B. Tayler,	MCR	46
John H. Tayler, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.	MCR	57
Nellie Davis, et al.,	MCR	[illegible]
Fred M. Patterson, et al.,	MCR	[illegible]
Bessie Taylor, et al.,	MCR	[illegible]
Anna Patterson, et al.,	MCR	[illegible]
Della J. Spencer, et al.,	MCR	[illegible]
Charlie M. Cunningham,	MCR	[illegible]
Willie Neeley, et al.,	MCR	[illegible]
William C. Cunningham,	MCR	[illegible]
Almeda C. Tyler, et al.,	MCR	971
Thomas L. Cunningham, et al.	MCR	[illegible]
Claudie Litteral, et al.,	MCR	1240
Mozella Petree, et al.,	MCR	1240
Willie A. Malone, et al.,	MCR	1241
Mary E. Courtney, et al.,	MCR	[illegible]

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronshali C. Barren, Hamlet Barren, Mary A. Barren, Mazella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Neda B. St Cyr, Mazella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Tayler, William D. Tayler, Thomas Jefferson Tayler, Cornelius B. Tayler, John H. Tayler, Everett Tayler, Mary Ann O. Smith, Thomas B. Crudup, Nona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie E. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ben Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mazella Petree, Ed B. Petree, Joseph L. Cotner, Willie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the ap-

plications for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, [illegible]

Mr. [illegible] St. Cyr,

Wewoka, Indian Territory.

Dear Sir:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Benjamin C. Barron, et. al., of which decision you were advised by registered mail on the [illegible] day of June, 1902.

Respectfully,

[illegible]

Acting Chairman.

R. 7 44.

Evidence:
"alva"
"Charles"

Jgdmt:
"alba"
"Chas."

R. MANGELSDORF.

Mozella J. St Cyr et al
vs.
Choctaw Nation
Miss. Choc. Case No. R 44

Original testimony and all papers filed in this case forwarded Secretary of Interior.
Dec. 3rd 1900

REFUSED.

JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name Mozella J. St. Cyr. (H) Durant, I.T.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/4) Mother's citizenship Choc. (1/2)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife's name,~~ (Husband) Ben St Cyr. (no)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
16. Alva M.	County	Year	Page	No.
14. Ben C.	County	Year	Page	No.
10. Meda B.	County	Year	Page	No.
7. Mozella. F.	County	Year	Page	No.
5. Chas. C.	County	Year	Page	No.
2 Ed S.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

Denied application and tribal rights and Citizenship

Wm C. Cunningham (father) Dead

Almeda Barron (mother)

"

[illegible] Act, [illegible] Law, Cl. 44

REFUSED.

Mozella J. St Cyr et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
SEP 5 1900

Acting Chairman

See Choctaw Card A #785

Refer to [illegible]

61036 | 1900

See MCR 95 Edna A. Taylor

See MCR 288

MCR 45

R 45

MISS.-CHOCTAW

ENROLLMENT

Eliza A. Taylor et.at.

REFUSED

Decision Rendered. Jun 4 1902.

Notice of Decision Mailed Applicant. Jun 14 1902.

Notice od Decision Forwarded Attorney For Applicants Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw andChickasaw Nations. Jun 14 1902.

Record Forwarded Department Jun 14 1902.

Action Approved By Secretary of Interior. Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of DepartmentalAction Forwarded Attorney for Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

Refer to M.C.R. 238

11/6.01 P.O.-Madill, I. T.

R 45

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Eliza A. Taylor for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Eliza A. Taylor.

Q How old are you? A Fifty-one.

Q Are you on the Choctaw rolls? A No sir.

Q Were you ever on the Choctaw rolls? A No sir.

Q Were your father and mother ever on the Choctaw rolls in the Nation here? A No sir.

Q Where do you live? A Close to McMillan.

Q You live in the Territory ? A Yes sir. In the Chickasaw Nation.

Q How long have you been living here? A Nearly two years.

Q Where did you come from? A From Texas.

Q You were born and raised there? A Yes sir.

Q And lived there all of your life? A Yes sir.

Q What time two years ago did you come here? A In the fall of 1897.

Com'r McKennon: You not being on the rolls, we have no authority to enroll you; enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M. McKennon

McRae

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert I. T., June 14, 1900.

In the matter of the application of Eliza A. Taylor for identification as a Mississippi Choctaw, being sworn and examinedby Acting Chairman Bixby she testifies as follows:

What is your name? A Eliza A. Taylor.
Q What is your age? A Fifty-two.
Q What is your post-office address? A McMillen, I.T.
Q How longhave you lived at McMillen? A Three years.
Q Where did you live before coming to the Indian Territory?
A In Texas.
Q How long had you lived in Texas? A All my life.
Q Born in Texas? A Yes sir.
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A Thomas Borren.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A Choctaw Indian.
Q What proportion of Choctaw Indian blood didhe claim to have?
A Half.
Q Was his name ever on the Choctaw rolls? A Not that I know of.
Q Washe ever recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q What is the name of your mother? A Elizabeth Couch was her maiden name.
Q Is she living? A No sir.
Q Is she a white woman? A Yes sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A One-fourth.
Q Has your name ever been on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir
Q Did you apply to the Dawes Commission in1896? A No sir.
Q Did you ever apply to this Commission before this time? A Yes sir.
Q Where was it and when? A At Atoka.
Q You were refused enrollment at that time? A Yes sir.
Q Is this your second application? A Yes sir.
Q When youapplied to the Dawes Commission a year ago you applied as a Choctaw by blood did you not? A Yes sir, Choctaw by blood.
Q Now you are applying as a Mississippi Choctaw? A Oh yes, as a Mississippi Choctaw is what I meant.
Q Did you apply as a Mississippi Choctaw a year ago? A Yes sir, Yessir, Yessir.
Note: Testimony taken at that time examined.
Q Nothing of that kind appears in the testimony given by you in 1898; you simply claim to be a Choctaw. What makes you think now that you are a Mississippi Choctaw? A My grandfather came from Mississippi.
Q Under which treaty do you base your claim now to be a Mississippi Choctaw? A All the treaties.
Q All the treaties made by the Choctaw Indians? A Yes sir.
Q You don't claim under any other treaties do you? A Nosir.
Q You base your claim, as I understandit, upon all the treaties, and not upon any particular article of any one treaty? A Nosir.
Q You don't claim exclusively under the Treaty of 1830?
A No sir.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14tharticle of the Treaty of 1830? A No sir.

Eliza A. Taylor #2

Q Are you married? A Yes sir.
Q Making any claim in behalf of your husband? A Yes sir.
Q What do you claim him to be? A A white man.
Q Do you claim his enrollment as a white man? A Yes sir, by marriage.
Q You claim that he is an intermarried Mississippi Choctaw?
A Yes sir.
Q What is his name? A Cornelius Taylor.
Q What is the name of his father A Green Taylor.
Q Is he living? A Yes sir.
Q What is the name of his mother? A Mary Ann Taylor.
Q Is she living? A No sir.
Q Did you marry under Choctaw law? A No sir.
Q Where did you marry? A In Texas.
Q When? A Twenty-five years ago.
Q Were you living in Texas then? A Yes sir.
Q Have you your marriage license and certificate with you?
A No sir.
Q Have you any children under twenty-one? A I have two.
Q You claim that they are Mississippi Choctaws? A Yes sir, I do, by blood.
Q Does their claim have the same foundation as your own? A Yes sir.
Q Do they reside with you? A Yes sir.
Q Have they always been living with you? A Yes sir.
Q Give their names and ages? A William D., Taylor, nineteen; Thomas Jefferson Taylor, thirteen.
Q Is there any additional statement in regard to your case that you would like to make at this time? A Yes sir.
Q What is it? A Well no, I don't know as there is any need of it.
Q Are there any papers you would like to file? A Yes sir.
'Affidavit of Eliza A. Taylor offered in evidence and placed on file.)

The Commission's unable from the testimony in this case to identify you or your children as Mississippi Choctaws, and your husband as an intermarried Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission in regard to your case in writing, through the mail.

The testimony in this case and any papers that you may desire to file in the form of affidavits or statements, will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

M. D. Green, being sworn and examined on the first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

COPY. M C R 68

Muskogee, Indian Territory, June 24,1902.

Eliza A. Taylor,

McAlister, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rancheli C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Rancheli C. Barron, et al.,	MCR	368
Marcelin J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius R. Taylor, et al.,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann C. Miller,	MCR	48
Thomas R. Crosby, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca W. Patterson, et al.,	MCR	53
Celia Nix et al.,	MCR	54
Robert Henry Patterson, et al.	MCR	57
Willie Davis, et al.	MCR	58
Fred M. Patterson, et al.,	MCR	59
Dennis Taylor, et al.,	MCR	202
Anna Patterson, et al.,	MCR	365
Delia J. Spencer, et al.,	MCR	394
Charlie M. Cunningham,	MCR	367
Willie Mosley, et al.,	MCR	368
William G. Cunningham,	MCR	370
Alpheus C. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudia Litterel, et al.,	MCR	[illegible]
Cecelia Potts, et al.,	MCR	[illegible]
Willie A. Malone, et al.,	MCR	[illegible]
Mary E. Overbey, et al.,	MCR	[illegible]

These applications were made under the provisions of the act of Congress of June 28, 1898, (30 Stats., 495), which is as fol-

N.A.T.-----2.

lows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva W. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie E. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham , Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ben Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed. B. Petree, Joseph L. Getner, Millie A. Malone, Ray H. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that

E.A.T.--------S.

the application made by Eliza A. Taylor for her husband Bernalind Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Chactaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles,

Commissioner in Charge.

Registered.

Department of the Interior.

Commission to the Five Civilized Tribes,

[illegible]

[illegible]

Penalty for private use, $300.

U.S. POSTAGE
NOV 24
1906
PAID

Eliza A. Taylor,

~~Madill, Indian Territory.~~

unclaimed

Return to Writer

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

N.C.R. 45

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1902.

Eliza A. Taylor,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, September 5, 1901.

Miss A. Taylor,

McAlester, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Kenchali D. Barron et al., Mozella J. McCyr et al., Willie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Pettigrew et al., and Belle F. Spencer et al., you are informed that under date of August 24, 1901, the Commissioner of Indian Affairs remanded to this Commission the records hereinafter forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants interested, in person or by agent, if such be desired.

It appears from the records that you appeared before this Commission at Calhoun, Indian Territory, on June 12, 1902, and applied for the identification as Mississippi Choctaws of yourself and two minor children, claiming through the Greenwood roll.

In accordance with the instructions referred to, you are hereby notified that at your office of the Commission in the Five Civilized Tribes at McAlester, Indian Territory, on Saturday, November 9th, 1901, at 9:00 o'clock A.M., there will be heard the testimony of

E.A.T.

such witnesses as you may desire to present in person in support of your application.

Yours truly,

N.C. 45

Commissioner in Charge.

Muskogee, Indian Territory, December 16, 1901.

J. O. Pool,

Attorney at Law,

525 F Street, N.W., Washington, D.C.

Dear Sir:

Receipt is hereby acknowledged of your letter of the eleventh instant, inclosing the affidavits of Thos. Pratt and Guy Keel, offered by you for filing in support of the application for identification as Mississippi Choctaws of Eliza Taylor, et al. and in which you state that she is a member of the Barron family and these affidavits are to be filed and considered in the Barron case.

You are informed that it appears from our records that the application of Eliza Taylor for identification as a Mississippi Choctaw has been consolidated with and made a part of the case of Benshali G. Barron, et al. applicants for identification as Mississippi Choctaws, and that at Atoka, Indian Territory, on Wednesday, November 6, 1901, this case was called for final hearing, the several applicants being represented by Chester Howe, and no appearance being made by the Choctaw Nation. The record of the proceeds of that date shows that at the conclusion of the hearing of the testimony of certain witnesses who were introduced in person that Mr. Howe, the

Attorney for the several applicants in closing made the following offer:

"As soon as rules and regulations are promulgated for the taking of depositions by the Honorable Commission, to comply with said rules in supplying depositions in lieu of affidavits upon requests made for the same, and with this offer rests."

It was the understanding of the representative of the Commission who heard the testimony in this case at Atoka, Indian Territory on November 6, 1901, that it was not the intention or purpose of the applicants to offer any additional testimony or evidence of any character, but that the offer of Mr. Howe was merely to supply in lieu of affidavits now filed in this case the depositions of the witnesses when taken in conformity with the rules and regulations of November 4, 1901, a copy of which has been previously furnished you.

The affidavits now submitted by you are only the testimony of persons who have known the applicant Eliza Taylor in the Chickasaw Nation for the past few years and as to her owning certain improvements, and a statement as to her general appearance. The Commission does not consider evidence of this character as admissible at this time, and as we are now preparing for submission to the Department a finding and decision in this case, the affidavits are herewith returned to you.

Yours truly,

Commissioner in Charge.

AB 1-16

REFUSED

MEMORANDA.

(Date) June 14, 1900.

Name Eliza A Taylor (51) Fric Wallace I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/4) Mother's citizenship (N. S.)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife's name~~ (Husband) Comelin Taylor. Yes

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? Green Taylor (father)

License filed this day Mary Ann Taylor, (mother)

Names of children:

	County	Year	Page	No.
19. William B.	County	Year	Page	No.
13. Thomas J.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW

Thomas Barren, (father) (1/2) Dead
Elizabeth Cinch, (mother)

11

Choc McR 46 Cornelius B. Taylor

See McR 28B

McR 46

R 46

MISS.-CHOCTAW

ENROLLMENT

Cornelius B. Taylor. (Dead)

REFUSED

Decision Rendered Jun 4 1902.

Notice of Decision Forwarded Attorney For Applicants Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw And Chickasaw Nations. Jun 14 1902.

Record Forwarded Department Jun 14 1902.

Action Approved By Secretary of Interior Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of DepartmentalAction Forwarded Attorney for Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

Refer To M.C.R. 288

R 46

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of Cornelius B. Taylor for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Cornelius B. Taylor.

Q How old are you? A Twenty-three.

Q Are you on the Choctaw rolls? A I am not.

Q Never were? A No sir.

Q Were your father and mother ever on the Choctaw rolls?

A No sir.

Com'r McKennon: Enrollment is refused.

---- —

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

McAlu

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of Cornelius B. Taylor for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby he testifies as follows:

Q What is your name? A Cornelius B. Taylor
Q What is your age? A I am twenty-three years old.
Q What is your post-office address? A McMillen, I.T
Q How long have you lived in the Indian Territory? A Three years.
Q Where did you live before coming to the Indian Territory? A In Texas.
Q How long had you lived there? A All my life.
Q Were you born there? A Yes sir.
Q Ever live in Mississippi ? A No sir.
Q What is the name of your father? A C.M.Taylor.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian? A No sir he is a white man.
Q What is the name of your mother? A Eliza A. Taylor.
Q She living? A Yes sir.
Q She a Choctaw Indian? A She is a Mississippi Choctaw.
Q What proportion of Choctaw Indian blood does she claim to have? A One-fourth.
Q Has her name ever been on the Tribal rolls? A No sir.
Q Has she ever been recognized as a citizen of the Choctaw Tribe by the Tribal authorities? A No sir.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Has your name ever been on the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this the first application you ever made? A No sir, I applied last year at Atoka before this Commission.
Q What did the Dawes Commission do in regard to your case at that time? A They refused to enroll me.
Q Did you apply as a Choctaw by blood or as a Mississippi Choctaw at that time? A I don't think I was asked the question my friend.
Q I want to know how you applied? A I claimed to be a Mississippi Choctaw, but I don't think they asked me.
Q You claim now to be a Mississippi Choctaw do you? I claimed it then so far as that is concerned.
Q I want you to answer my question, do you claim now to be a Mississippi Choctaw? A I do.
Q Under which treaty do you claim? A I don't claim under any especial treaty.
Q Claim under all the treaties? A As pertaining to Mississippi Choctaws.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did your ancestors ever take advantage of that article?
A Not as I know of.
Q Did you or any of your ancestors ever receive or claim any land under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Have you any other statement that you would like to make?
A No sir.
Q Have you any papers to file? A Yes sir.

(Affidavit of Cornelius B. Taylor offered in evidence and placed on file.

Cornelius B. Tayler #4

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw. You will be furnished with a copy of the decision of this Commission, giving infull its reasons for refusing to identify you as a Mississippi Choctaw, through the mails.

You will be permitted to offer any additional evidence in the form of statements, affidavits or other proper papers if you desire to do so. This testimony in this case and any papers that you may be pleased to file with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

M.D.Green, being ~~xxxxxx~~, ~~xxxxxx~~ first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 20 day of June 1900.

Acting Chairman.

Muskogee, Indian Territory, September 5, 1901.

Mr. Cornelius B. Taylor,

McMillen, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mozella J. St.Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 4, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 14, 1900, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

C.B.T. #2

such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 46

Commissioner in Charge.

COPY.

M C R 44

Muskogee, Indian Territory, June 14, 1902.

Corneline B. Taylor,

McAlister, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rosehall C. Barrow, et al., embracing the following applications for identification as Mississippi Choctaws:

Rosehall C. Barrow, et al.,	MCR	250
Rosalie J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Corneline B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann Smith,	MCR	48
Thomas B. Graham, et al.,	MCR	51
Almedia Walker, et al.,	MCR	52
Roberson J. Williamson, et al.,	MCR	53
Willis Ben, et al.,	MCR	54
Robert Henry Williamson, et al.,	MCR	57
Wallis Davis, et al.,	MCR	58
Fred H. Williamson, et al.,	MCR	59
Rosalie Taylor, et al.,	MCR	260
Anna Wesley, et al.,	MCR	263
Nelia J. Kennedy, et al.,	MCR	264
Charlie W. Cunningham,	MCR	267
Willis Bentley, et al.,	MCR	268
William H. Cunningham,	MCR	270
Alonzo H. Bailey, et al.,	MCR	271
Thomas E. Cunningham, et al.,	MCR	272
Claudie Wilkerson, et al.,	MCR	1340
Rosalie Pearce, et al.,	MCR	1342
Willie A. Wilson, et al.,	MCR	1343
Mary E. Bowling, et al.,	MCR	[illegible]

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barren, Hamlet Barren, Mary A. Barren, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Tayler, William D. Tayler, Thomas Jefferson Tayler, Cornelius B. Tayler, John H. Tayler, Everett Tayler, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby F. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie V. Patterson, Fannie E. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William G. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto G. Cunningham, Mona B. Cunningham, Claudie Litteral, Charrie Litteral, Rem Litteral, Katie Litteral, Mallie Litteral, Theoford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed E. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary N. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

C.R.T.----3.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Ellen A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

REFUSED.
JUN 14 1900

MEMORANDA.

(Date) June 14 1900.

Name Cornelius B Taylor, (23) McAlester, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW

C M. Taylor, (father)
Eliza A Taylor, (mother)

Choc MCR 47 John H. Taylor

see MCR 288

MCR 47

R47

MISS.-CHOCTAW

ENROLLMENT

John H. Taylor, et.al.

REFUSED

Decision Rendered. Jun 4. 1902.

Notice od Decision Mailed Applicant. Jun 14 1902.

Notice of Decision Forwarded Attorney For Choctaw and Chickasaw Nations. Jun 14 1902.

Record Forwarded Department Jun 14 1902.

Action Approved By Secretary of Interior. Nov 8 1902.

Notice of Departmental Action Forwarded Attorney for Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations Nov 22 1902;

Refer To M.C.R. 288.

11/6/01. P.O. Madill, I. T.

R 47

Commission to the Five Civilized Tribes,

Atoka, Indian Territory.

In the application of John T. Taylor for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A John H. Taylor.

Q How old are you? A Twenty-one.

Q Were you ever on the Choctaw rolls? A No sir.

Q Were your father and mother ever on the Choctaw rolls?

A No sir.

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

Mississippi Roll

2

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of John H. Taylor for identification as a Mississippi Choctaw, being sworn and examined by Acting Chairman Bixby he testified as follows:

Q What is your name? A John H. Taylor.
Q What is your age A Twenty-one.
Q What is your post-office address? A McMillen.
Q How long have you lived in the Indian Territory? A Nearly three years.
Q Where did you live before coming to the Indian Territory?
A In Texas.
Q Were you born in Texas? A Yes sir.
Q Ever live anywhere except in Texas and the Indian Territory?
A No sir.
Q Never lived in Mississippi? A No sir.
Q What is the name of your father? A G.M.Taylor.
Q He living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q What is the name of your mother? A Eliza Ann Taylor.
Q She living? A She is.
Q Is she a Choctaw Indian? A She is a descendant of a Mississippi Choctaw Indian.
Q What proportion of Choctaw Indian blood does she claim to have? A Quarter.
Q Has her name ever appeared upon the Tribal rolls of the Choctaw Nation? A No sir.
Q She ever recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Has your name ever been on the Tribal rolls? A No sir.
Q Has ever been recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A I applied last year.
Q To the Tribal authorities? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A No sir, I applied last year to the Dawes commission at Atoka.
Q What did you claim to be at that time? A I claimed to be a descendant of a Mississippi Choctaw.

Acting Chairman Bixby: Here is the testimony taken at Atoka in 1899.

"In the matter of the application of John H. Taylor for enrollment as a Choctaw.

"Q What is your name? A John H. Taylor.
"Q How old are you? A Twenty-one.
"Q Were you ever on the Choctaw rolls? A No sir.
"Were your father and mother ever on the Choctaw rolls?
"A No sir."

That is a complete record of the testimony given at that time. you claim now to be a Mississippi Choctaw do you?
A I do, descendant of a Mississippi Choctaw.
Q Under which treaty do you claim? A I don't claim under any especial treaty.
Q You claim under all the Treaties? A Pertaining to my case I do.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No sir.
Q Did any of your ancestors ever claim or receive any land

as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Are you married? A Yes sir.
Q Making any claim in behalf of your wife? A I do.
Q What do you claim her to be? A Intermarried Mississippi Choctaw.
Q What is her name? A Dora Taylor.
Q Is she a white woman? A She is.
Q What is the name of her father? A J.B.Clark.
Q Is he living? A Yes sir.
Q What is the name of her mother? A Cynthia Clark.
Q She living? A No sir.
Q Did you marry under Choctaw law? A No sir.
Q Where did you marry? A I married in Texas.
Q When? A In 1896.
Q Have you a copy of your marriage license and certificate?
A No sir.
Q Have you any children? A One.
Q What is its name? A Everett Taylor.
Q How old? A One year old.
Q You claim that your child is a Mississippi Choctaw? A Descendant of a Mississippi Choctaw.
Q His claim has the same foundation as your own has it? A Yes sir
Q Is there any additional statement that you would like to make in regard to your case at this time? A Not at present.
Q Any papers you would like to file with the Commission?
A (Affidavit of John H. Taylor introduced in evidence and placed on file.)

The Commission is unable, from the testimony in this case, to identify either you or your child as Mississippi Choctaws, or your wife as an intermarried Mississippi Choctaw. The decision of the Commission in regard to your case, giving its reasons for refusing to identify you and your family as Mississippi Choctaws will be furnished you in writing, through the mail.

You will be permitted to offer any additional evidence in the form of affidavits or statements or other proper papers if you desire to do so. The testimony in this case and all papers which you may file with this Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw nation are sent to him for final approval.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June, 1900.

Acting Chairman.

Muskogee, Indian Territory, January 8, 1901.

Mansfield, McMurray & Cornish,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of December 15th in which you desire to be informed if J. H. Taylor and wife have been listed for enrollment as citizens of either the Choctaw or Chickasaw Nations , in pursuance of a judgment of the United States Court in the case of Francis E. Husbands et. al.

You are informed that a careful search of the records of this Commission fails to show that any party by this name has been listed for enrollment by this Commission.

An application was made by a John H. Taylor, to the Commission at Atoka, Indian Territory, in August, 1899 for enrollment as a citizen by blood of the Choctaw Nation and the age of this applicant was at that time given as twenty one and his enrollment was refused by the Commission.

If you will furnish us with more definite information as to the party of whom you inquire, if you have such, concerning the time and place he appeared before the Commission as an applicant for enrollment and any other information that may lead to his identification, the matter will be given further attention.

Yours truly,

Muskogee, Indian Territory, September 5, 1901.

Mr. John W. Taylor,

McMillen, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mozella J. St.Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 7, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 14, 1900, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

J.H.T. #2

such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.O. 47

Commissioner in Charge.

COPY.

M C R 47

Muskogee, Indian Territory, June 14,1902.

John N. Taylor,

McAlister, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Rosebell C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Rosebell C. Barron, et al.,	MCR	286
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John N. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas E. Gresby, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Sampson T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.,	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	59
Amanda Taylor, et al.,	MCR	348
Annie Patterson, et al.,	MCR	363
Della J. Wynnber, et al.,	MCR	364
Charlie H. Cunningham,	MCR	367
Ellie Bagley, et al.,	MCR	368
William G. Cunningham,	MCR	370
Alonzo G. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudie Litteral, et al.,	MCR	1344
Rosalie Peters, et al.,	MCR	1346
Willie A. Malone, et al.,	MCR	1347
Mary E. Courtney, et al.,	MCR	1350

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Renchali C. Barron, Hamlet Barron, Mary A.Barron, Mazella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mazella F. St Cyr, Charles C. St Cyr, Mi S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Menon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby F. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Tannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie H. Cunningham, Nilie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond B. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ren Litteral, Katie Litteral, Hallie Litteral, Theodore Litteral, May Litteral, Ben Litteral, Mazella Petree, Mi B. Petree, Joseph L. Cotner Millie A. Malone, Roy B. Malone, Mary B. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John E. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 47

Muskogee, Indian Territory, November 22, 1902.

John H. Taylor,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronohali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

REFUSED

JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name John H. Taylor. (21) McMullen, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes, (1/8) Mother's citizenship Choc (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Cora Taylor

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes.

Married under what law? .....

License filed this day .....

Names of children:

1. Everett, ... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

J. B. Clark (father)
Cynthia Clark (mother)

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Corrected by testimony of Colbert June 14, 1900.

C. M. Taylor (father)
Eliza Ann Taylor, (mother)

Choc mcR 48 Mary Ann A. Smith

See mcR 288

mcR 48

R48

MISS.-CHOCTAW
ENROLLMENT

Mary Ann O. Smith

REFUSED Jun 4 1902.

Decision Rendered Jun 4 1902.

Notice of Decision Mailed Applicant. Jun 14 1902.

Notice of Decision Mailed Attorneys ForChoctaw and Chickasaw Nations. Jun 14 1902.

Record Forwarded Department. Jun 14 1902.

Action Approved By Secretary of Interior Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorney For Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys forChoctaw And Chickasaw Nations. Nov 22 1902.

Refer to M.C.R. 288.

11/6/01-P.O.-Madill I. T.

R48

MC-R-8

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

In the matter of the application of the application of Mary Ann O. Smith for the enrollment of herself as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q - What is your name? A - Mary Ann O. Smith, I go by the name of Ollie.
Q - What is your age? A - 18.
Q - What is your post office address? A - McMillan.
Q - How long have you lived at McMillan? A - 3 years.
Q - How long have you lived in the Indian Territory? A - 3 years.
Q - Where did you live before that? A - In Texas.
Q - How long did you live in Texas? A - I was born and raised in Texas.
Q - Did you ever live in Mississippi? A - No, sir.
Q - What is the name of your father? A - C. M. Taylor.
Q - Is he living? A - Yes, sir.
Q - Is he a white man or a Choctaw Indian? A - A white man.
Q - What is the name of your mother? A - Liza M. Taylor.
Q - Is she living? A - Yes, sir.
Q - Is she a white woman or a Choctaw Indian? A - The descendant of a Mississippi Choctaw.
Q - She claims to be a Choctaw? A - Yes, sir.
Q - What proportion of Choctaw blood does she claim to have?
A - 1/4.
Q - Has her name ever appeared on the Choctaw Tribal rolls?
A - No, sir.
Q - Has she ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A - No, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - 1/8.
Q - Has your name ever been on the Choctaw Tribal rolls? A - No
Q - Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Mississippi Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - Is this your first application? A - Yes, sir.
Q - You claim, do you, to be a Mississippi Choctaw? A - I claim to be a descendant of a Mississippi Choctaw.
Q - Under what treaty do you claim? A - I claim under the whole entire treaty since 1830.
Q - You don't base your claim then as I understand it upon any particular article of any of the treaties? A - No, sir.
Q - Did you ever take advantage of the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.
Q - Did any of your ancestors ever take advantage of the provisions of this article? A - No, sir.
Q - Did you or any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the Treaty of Dancing Rabbit Creek? A - No, sir.
Q - Are you married? A - Yes, sir.
Q - Are you making any claim on behalf of your husband? A - No.
Q - Have you any children? A - No, sir.
Q - Is there any additional statement you would like to make in regard to your case at this time? A - No, sir.
Q - Have you any papers to place on file? A - Yes, sir.)
(Affidavit of Mary Ann O. Smith offered in evidence and placed on file.)

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw Indian. You will be fur-

nished with a copy of the decision of the Commission in regard to your case, in which will be given the reasons why the Commission is unable to identify you as a Mississippi Choctaw. This will be furnished you in writing and sent to you through the mails.

You will be permitted to file any additional evidence in the form of statements, affidavits or other proper papers i f you desire to do so, and these papers and the testimony in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Muskogee, Indian Territory, September 3, 1901.

Maryann O. Smith,

McMillen, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mozella J. St.Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 7, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 14, 1901, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

M.C.S. #2

such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C.48

Commissioner in Charge.

N C R 48

COPY.

Muskogee, Indian Territory, June 14,1902.

Mary Ann O. Smith,

McAlister, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated cases of Ronchali C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Ronchali C. Barron, et al.,	MCR	388
Rosalie J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John W. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crosby, et al.,	MCR	51
Alexander Waite, et al.,	MCR	52
Robert H. McDermott, et al.,	MCR	53
Solon Kim, et al.,	MCR	54
Robert Henry Watkins, et al.	MCR	57
Willie Jarvis, et al.,	MCR	58
Fred M. Watkins, et al.,	MCR	59
Benjamin Taylor, et al.,	MCR	268
Anna Watkins, et al.,	MCR	268
Nelle J. Reynolds, et al.,	MCR	264
Charlie E. Cunningham,	MCR	367
Willie Wesley, et al.,	MCR	368
William E. Cunningham,	MCR	370
Alonzo Ky Taylor, et al.,	MCR	371
Thomas E. Cunningham, et al.,	MCR	372
Charmie Lawrence, et al.,	MCR	1044
Rosalie Weaver, et al.,	MCR	1060
Willie A. Malone, et al.,	MCR	1061
Mary E. Gourney, et al.,	MCR	1099

M.A.G.S.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronshali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Mi S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona E. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard N. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dennis Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Delia J. Spencer, Herbert Spencer, Charlie E. Cunningham, Willie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda G. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ben Litteral Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Mi R. Petree, Joseph L. Cotner, Willie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Hank M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications

M.L.C.S.------S.

for their identification so such should be refused, and it is so ordered.

It is the opinion of the Commission that under the provisions of law above quoted an person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Jerry Taylor, and the application made by John E. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Very truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

Department of Ed[illegible]

[illegible]

[illegible]

[illegible]

Return to Writer

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 48

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1902.

Mary Ann O. Smith,

Madill, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

REFUSED.

JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name Mary Ann O Smith (18) McAlester, I.T.

Choctaw? Mrs. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day ..... FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW.

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Personal appearance and testimony before Commissioner June 14, 1900.

C M. Taylor (father)

Eliza Ann Taylor (mother)

"

Choc MCR 49 John E. Crowson

see MCR 64

MCR 49

CHOCTAW ROLL

Lottie C. Crowell

REFUSED.

DECISION RENDERED. MAR 3 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

DECISION APPROVED BY SECRETARY OF INTERIOR.

APR 29 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY 7 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

MAY 7 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 7 1902

REFER TO M. C. R. 64

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

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In the matter of the application of John M. Crowson for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q - What is your name? A - John M. Crowson.
Q - How old are you? A - 22.
Q - What is your post office address? A - Moundville, I.T.
Q - How long have you lived at Moundville? A - 7 years.
Q - Have you been living there continuously for 7 years?
A - No, sir.
Q - How long have you lived in the Territory? A - 15 years.
Q - Have you been in the Territory all the time during the past three years? A - Yes, sir.
Q - Where did you live before you came to the Territory? A - In Texas.
Q - Were you born in Texas? A - No, sir.
Q - Where were you born? A - Arkansas.
Q - Have you ever lived in Mississippi? A - No, sir.
Q - What is the name of your father? A - A.J.Crowson.
Q - Is he living? A - Yes, sir.
Q - Is he a Choctaw Indian? A Yes, sir.
Q - What proportion of Choctaw Indian blood does he claim to have? A - 1/8.
Q - Has his name ever been on the Choctaw Tribal rolls? A - On the Dawes Commission in 1896.
Q - When was the Dawes Commission first sent into the field, do you know? A - No, sir.
Q - Now I want to know of you know whether your father's name was ever on the rolls of the Choctaw Tribe, the Indian rolls?
A - No, sir.
Q - Do you know whether ~~xxxxxxxx~~ he was or do you not? A - Yes sir, he said he was.
Q - You never saw his name on the rolls? A - No, sir.
Q - Do you know whether he has ever been recognized by the Tribal authorities as a Choctaw Indian? A - No, sir.
Q - You don't know? A - Yes, sir.
Q - You do know? A - Yes, sir.
Q - Has he been recognized or has he not? A - Yes, sir.
Q - Did you ever see his name on the rolls? A - No, sir.
Q - What makes you think he has been recognized? A - He went before the Dawes Commission.
Q - I am talking about the Tribal rolls? A - I don't know.
Q - What is the name of your mother? A - Josephine.
Q - Is she living? A - No, sir.
Q - Was she a white woman? A - Yes, sir.
Q - What proportion of Choctaw blood do you claim to have?
A - 1/16.
Q - Is your name on the Choctaw Tribal rolls? A - No, sir.
Q - Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No, sir.
Q - You did apply to the Dawes Commission about a year ago, didn't you? A - A year ago, but they would not object at Durant.
Q - What did they do? A - They would not let me in.
Q - How did you apply at that time, did you apply as a Choctaw Indian by blood or as a Mississippi Choctaw or as an intermarried citizen? A - No, sir, I never did.

W.

John N. Grennan - 2.

Q - You claim now to be a Mississippi Choctaw? A - Descendant of a Mississippi Choctaw.

Q - Under which treaty do you claim? Do you claim under the Treaty of Dancing Rabbit Creek? A - No, sir.

Q - Do you claim under the Treaty of 1866? A - No, sir.

Q - Do you claim under the Treaty of 1830? A - No, sir.

Q - Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A - No, sir, I didn't.

Q - Did you or any of your ancestors ever claim or receive any land as bnenficiaries under the provisions of the 14th article of the Treaty of 1830? A - No, sir.

Q - Are you married? A - No, sir.

Q - Is there any additionae statement in regard to your case that you would like to make at this time, would you like to offer some papers? A - Yes, sir, this affidavit.

Q - Have you read this affidavit? A - No, sir, I can't read.

Q - Have you had it read to you? A - No, sir.

Q - Do you know what is in it? A - No, sir, I never heard it read.

Q - I guess you had better have it read before you offer it in evidence; you can put it in some other time, you can mail it to us at Muskogee.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw. You will be furnished with a copy of the decision of the Commission, giving in full the reasons for its refusing to identify you as a Mississippi Choctaw. This will be sent to you through the mails.

A - Will I have to send it through the mail to Muskogee.

Q - Yes, you can after you have had it read to you.

You will be permitted to offer any papers which you may desire to, with the Commission, and the testimony in the case and any papers which you may be pleased to leave with the Commission will be transmitted to the Honorable Secretary of the Interior for his consideration when the rolls of the citizens of the Choctaw Nation are sent to him for final approval.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of John A. Crowson as a Choctaw, being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A John A. Crowson.

Q How old are you? A Twenty-two.

Q Where have you been living? A I have been living in the Nation.

Q How long? A Nine years.

Q You came here nine years ago? A Yes sir.

Q Where did you live before that time? A In Texas and Arkansas.

Q How long did you live in Arkansas? You were born in Arkansas? A Yes sir.

Q When did you leave there and go to Texas? A I was nine years old when I left Arkansas and went to Texas.

Q How long did you live in Texas? A Three years.

Q Where did you go to then? A I went to the Nation.

Q How long did you stay in the Nation then? A I have been living in the Nation nine years.

Q All the while? A Yes sir.

Q Have you ever been on the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Com'r McKennon: As you are not upon the Choctaw rolls the Commission has no authority to enroll you, and your enrollment will be refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby [illegible] my official seal at [illegible] this [illegible] day of [illegible]

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John E. Crowson, for the identification of herself as a Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that John E. Crowson, appeared before the Commission at Colbert, Indian Territory, June 14, 1900, and there made application for the identification of himself as a Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimant, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicant as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of John E. Crowson, for himself as a Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory. Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Crowson for for enrollment as a citizen by blood of the Choctaw Nation.

DECISION.

The applicant, John A. Crowson, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

From the evidence in this case it does not appear that the name of the applicant has ever been upon any of the rolls of the Choctaw Nation, nor does it appear that the applicant was ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

Therefore, the application of the said John A. Crowson for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory. _____ 1901.

M. C. R. 49.

COPY

Muskogee, Indian Territory, March 3, 1908.

John F. Crowson,

Moundville, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Lee, et al., embracing the following applications for identification as Mississippi Choctaws:-

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Carroll, et al.,	M C R 223
John F. Crowson,	M C R 49
Delbrind Lee, et al.,	M C R 224

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

J. E. C. ..E.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gerrell, Addie Susan Gerrell, Monroe Price Gerrell, John E. Grossen, Delorius Lee and Sterling Andrew Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

T. B. Needles.

Commissioner in charge.

Registered.

M.C.R. 49

Muskogee, Indian Territory, May 6, 1902.

John B. Crowson,

Woodville, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Lee, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

Department of the Interior

John H. Taylor,

Public Lands Territory.

Returned to Order

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 47

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, November 22, 1902.

John H. Taylor,

Madill, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 25th, 1901.

John N. Crowson,

Moundville, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
Reg.M.
M.C.R. 49

MEMORANDA.

(Date) June 14, 1900.

Name John A. Crowson, (22) Woodville, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? I.T. County ..... Year ..... Page .....

Citizen by blood? Yes (1/16) Mother's citizenship (N. S.)

Intermarried citizen? .....

Married under what law? .....

License filed this day. .....

Wife's name. .....

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personal appearance & testimony at Colbert, I.T. June 14, 1900.

A. J. Crowson (father) (1/8) Dead.
Josephine Crowson (mother)

Choc mcR 50 Sarah willard

See mcR 653

mcR 50

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 23 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

1902

RECORD FORWARDED DEPARTMENT.

1902

ACTION APPROVED BY SECRETARY OF THE INTERIOR.

JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

1902

REMANDED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

JAN 26 1905

RECORD FORWARDED DEPARTMENT. APR 15 1905

REFER TO M. C. R. 653

See other side

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
NOV 29 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
NOV 29 1905

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
NOV 29 1905

50

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Sarah Willard
Et-al

Consolidated

MC-Oro

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 16, 1902.

In the matter of the application of Sarah Willard for the enrollment of herself and her children as Mississippi Choctaws, being sworn and examined by Acting Commissioner Riley, she testified as follows:

Q - What is your name? A - Sarah Willard.
Q - What is your age? A - I was born in 1854.
Q - What is your post office address? A - A t present it is in Denison, Texas.
Q - How long have you lived in Denison? A - About 16 years.
Q - Where did you live before moving to Denison? A - I lived at Albion on the River.
Q - In Texas? A - Yes, sir.
Q - Did you ever live in any other state except Texas? A - Yes I was born in Missouri.
Q - How long did you live in Missouri? A - Until I was about a year old, I suppose.
Q - Where did you go from Missouri? A - I came to the Nation.
Q - How long did you stay in the Nation? A - About 2 years.
Q - And you then moved to Texas? A - Yes, sir.
Q - You never lived in Mississippi? A - No, sir.
Q - What is the name of your father? A - John Brown.
Q - Is he living? A - No, sir.
Q - Was he a Choctaw Indian or a white man? A - He was Choctaw and Chickasaw.
Q - Was his mother a Choctaw or a Chickasaw, did you ever hear? A - Not definitely, I can't say which it is, the record shows
Q - What proportion of Choctaw blood did your father have? A - 1/2 I believe.
Q - Was his name ever on the Choctaw Tribal Roll? A - I can't say.
Q - Was he ever recognized by the Choctaw Tribal authorities as being a Choctaw Indian? A - I don't know, I was quite small when he died.
Q - What was the name of your mother? A - Dana.
Q - Is she living? A - Yes, sir.
Q - Is she a white woman? A - Yes, sir.
Q - What proportion of Choctaw Indian blood do you claim to have? A - 1/2 Choctaw and Chickasaw.
Q - Has your name ever been on the Choctaw Tribal roll? A - No, sir.
Q - Have you ever been recognized by the tribal authorities as being a Choctaw Indian? A - Well, that is what they always called me.
Q - The tribal authorities or your friends? A - My friends
Q - Have you ever been recognized by the authorities of the Tribe as being a Choctaw Indian? A - No, sir.
Q - Did you ever apply to the tribal authorities for enrollment as a Choctaw Indian? A - No, sir.
Q - Did you apply to the Dawes Commission in 1896? A - No,sir
Q - Is this your first application? A - This is my first application.
Q - Do you claim to be a Mississippi Choctaw, do you.
A - Choctaw and Chickasaw.
Q - You claim to be a Mississippi Choctaw and Chickasaw?
A - Yes, sir.
Q - Under which treaty do you claim? A - I can't say.
Q - Have nothing put which you are a Mississippi Choctaw? A - The record shows, I have my father's age and it says Choctaw and Chickasaw birth.

[illegible]

Q - [illegible] A - [illegible]

Q - [illegible]

Q - [illegible]

Q - [illegible]

Q - [illegible]

[illegible]

Q - [illegible]

[illegible]

Q - [illegible]

[

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

C. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of Sarah Willard, et al., for identification as Mississippi Choctaws, consolidating the applications of

Sarah Willard, et al.,	M C R 50
Barbara A. Tissington, et al.,	M C R 653

--: D E C I S I O N :--

The record in the above consolidated case shows that there were, originally, two applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of Sarah Willard for the identification of herself and her two minor children, Sadie A. and Tida Willard, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 14, 1900.

In the matter of the application of Barbara A. Tissington for the identification of herself and her five minor children, Lydia L., Carrie E., Flowers R., Alice A. and Albert E. R. Tissington, as Mississippi Choctaws, taken at Muskogee, Indian Territory, September 7, 1900.

In accordance with Departmental instructions of June 10, 1901 and July 2?, 1901, the Commission to the Five Civilized Tribes has consolidated these two applications under the head of Sarah

Willard, et al., the applicants claiming descent from the same common ancestor, and while these two applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of Sarah Willard, et al., that on June 14, 1900, the said Sarah Willard appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children, Sadie A. and Lida Willard, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from John Brown, an alleged one half blood Choctaw and Onan (other name not given"), a white woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Sarah Willard, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized

Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of the principal applicant, Thomas Rummans, Charles Smith, J. D. Woods, J. P. Hopson, the joint ex parte affidavit of John Lewis and Jonas Frazier, and what purports to be a family record of the family of John Brown, the principal applicant's father, and a certified copy of the marriage record between Sarah D. Brown and Frank Willard. By the oral statement of the principal applicant it is attempted to be shown that she was born in Missouri in the year 1862, and that she resides in the state of Texas, and claims to be about an "one third Choctaw and Chickasaw." She only attempts to trace her alleged Choctaw descent to her father and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of the principal applicant, dated July 21, 1900, it is attempted to be shown that she has removed to Cadde, Indian Territory, with the intention of making Indian Territory her permanent home. By the ex parte affidavit of Thomas Rummans it is attempted to be shown that he knows the principal applicant herein to be a daughter of John Brown, who was a Choctaw Indian from Mississippi. By the ex parte affidavit

of Charles Smith it is attempted to be shown that affiant knew John Brown, Jr., the father of the principal applicant, when said Brown was a boy in Mississippi, and that he knew said Brown in later years in Indian Territory and Texas, and further that affiant also knew in Mississippi John Brown, Sr., the grandfather of the principal applicant herein, who was about a three fourths blood Choctaw. By the joint ex parte affidavit of John Lewis and Jonas Frazier it is attempted to be shown that affiants once knew John Brown, a Choctaw Indian, in Mississippi, but there is nothing in this affidavit to show any relationship between the said John Brown and the principal applicant herein. By the ex parte affidavits of J. D. Woods and J. P. Hopson it is attempted to be shown that affiants know the principal applicant herein and knew her father, John Brown, in Texas in about the year 1866, and that the latter was reputed to be a Choctaw and Chickasaw Indian from Mississippi, and his appearance indicated that he was an Indian. By the purported family record filed herewith, which the principal applicant in her oral statement says is in the handwriting of her father, it is attempted to be shown that her said father was born in Mississippi in 1833. There is nothing in any of the documentary evidence filed herewith which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The copy of the marriage record filed herewith is simply evidence of the marriage between the principal applicant

and her husband and of the legitimacy of the issue thereof.

The next and last in order of the above applications is that of Barbara A. Tissington, et al., and the record therein shows that on September 7, 1900, the said Barbara A. Tissington appeared before the Commission at Muskogee, Indian Territory and there made personal application for the identification of herself and her five minor children, Lydia L., Carrie K., Flowers B., Alice A., and Albert E. R. Tissington, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek" The principal applicant claims descent from John Brown, an alleged Choctaw (degree of blood not given) and Aseneth Brown (blood not given) who are the parents of this applicant.

The record in this case further shows that the principal applicant, Barbara A. Tissington, and her five minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of J. P. Hopson, Thomas Rummans, J. D. Woods and Charles Smith. By the oral statement of the principal applicant it is attempted to be shown that she was born in about the year 1858 and she does not state where she was born, and she resides in Oklahoma, and that once for about eighteen months at a time not given she resided in Indian Territory and claims to be an one eighth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandfather, John Brown, Sr., who she claims was a recognized member of the Choctaw tribe of Indians in 1830 in Mississippi, but she does not state how he was so recognized and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact she expressly states that none of her ancestors ever claimed or received any land in Mississippi as beneficiaries under said article of said treaty. By the ex parte affidavits of J. P. Hopson and J. D. Woods it is attempted to be shown that affiants know the principal applicant herein and knew her father, John Brown, in Texas in about the year 1866, and that he was reputed to be a Choctaw and Chickasaw Indian from Mississippi, and his appearance indicated that he was an Indian. By the ex parte affidavit of Thomas Rummans it is attempted to be shown that affiant knows the principal applicant herein to be a daughter of John Brown, who was a Choctaw Indian from Mississippi. By the ex parte affidavit of Charles Smith it is attempted to be shown that affiant formerly

knew in Mississippi John Brown, Sr. and John Brown, Jr., respectively the grandfather and father of the principal applicant herein, and further that he knew the said John Brown, Jr., in later years in Indian Territory and Texas and that the said John Brown, Sr., was about a three fourths blood Choctaw Indian. There is nothing in any of these affidavits which would tend to show that any of the alleged Choctaw ancestors were ever recognized by the tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

The Commission, in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the principal applicants, given at the time of the making of their original applications, and the documentary evidence filed by them. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their right to identification as Mississippi Choctaws is John Brown, Sr., the grandfather of the two principal applicants herein, and it is claimed that the said John Brown, Sr., was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, and as it appears from the purported family record filed in the case of the principal applicant in this group, that her father, John Brown, Jr., the son of the said John Brown, Sr., was born in 1833, it is apparent that the latter was living in 1830. In order that these

applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that the said John Brown, Sr., lived in Mississippi in 1830 as a recognized Choctaw Indian, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek," as the head of a family, or that he was at that time the child of a recognized Choctaw head of a family who complied for him or that he was then complied for as the orphan child of a recognized Choctaw Indian. The applicants have entirely failed to show any such compliance on the part of the said John Brown, Sr., and it does not appear from the records in the possession of the Commission of those persons who did comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 that any person by the name of John Brown, Sr., ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842 for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Sarah Willard, Sadie A. Willard, Lida Willard, Barbara A. Tissington, Lydia L. Tissington, Carrie K. Tissington, Flowers B. Tissington, Alice A. Tissington and Albert E. R. Tissington, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Commissioners.

Muskogee, Indian Territory,

MAY 13 1902

(COPY)

Refer in reply to the following:
Land.
31144-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made May 23, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the consolidated case of Sarah Willard, et al., applicants for identification as Mississippi Choctaws, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, concluded on September 27, 1830.

The parties to this consolidated case are as follows:

Sarah Willard, et al.,
Barbara A. Tissington, et al.,

The principal applicant in this case attempts to trace descent from John Brown, Sr., his (her) grandfather, through his (her) father, John Brown, Jr.

The record shows that John Brown, Jr. was born in 1833. Said record is not sufficient to warrant the identification of the applicants as Mississippi Choctaws.

A careful search of the records of this office fails to show that the alleged ancestor in this case,-- John Brown, Sr., complied or attempted to comply with the provisions of article fourteen of said treaty.

May 13, 1902, the Commission found the applicants not entitled to identification as Mississippi Choctaws.

The office agrees with the decision of the Commission and respectfully recommends that it be affirmed.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

(COPY)

D.C.10633-1902. J.W.H. CMR

I.T.D. 3462-1902. DEPARTMENT OF THE INTERIOR.

L R S WASHINGTON. June 23, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 23, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Sarah Willard for herself and her two minor children, Sadie A., and Lida Willard; and of Barbara A. Tissington for herself and her five minor children, Lydia L., Carrie K., Flowers B., Alice A., and Albert N.R. Tissington.

The principal applicants in this case claim their descent from John Brown, Sr., their grandfather, through their father, John Brown, Jr.

May 13, 1902, you refused the application, and the Acting Commissioner of Indian Affairs forwarded your decision on June 2, 1902.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat.,180), and August 23, 1842 (5 Stat.,513).

The Department, upon review of the whole case, approves your action, and your decision is accordingly affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

E. A. HITCHCOCK,

Secretary.

1 inclosure.

EAD

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, Indian Territory, April 10, 1903.

In the matter of the application of Sarah Willard, et al., for identification as Mississippi Choctaws, being the consolidated case of Sarah Willard et al., M.C.R. 50 and Barbara A. Tissington et al., M.C.R. 653

Testimony of Charles Smith

Charles Smith having first been duly sworn, testifies as follows:

Q What is your name? A. Charles Smith
Q What is your Postoffice address? A . Colbert Station.
Q How old are you? A. Eighty-four, born in 1819.
Q You say you are 84 years old and were born in 1819? A Yes sir.
Q What is your nationality? A. I am a Chickasaw Freedman.
Q Who was your master? A. Isaac Love
Q Have you been enrolled as a Chickasaw Freedman by the Commission? A. Yes sir.
Q How long have you lived in the Chickasaw Nation? A. Came there in 44, 59 years this last March.
Q Where did you come from? A. Marshall County, Mississippi.
Q Who did you come with? A. Isaac Love
Q Do you know where you were born? A. I was born in Alabama but went to Memphis Tennessee when I was 4 years old.
Q How long did you stay in Memphis. A. I stayed there until I was 14 years old and then I moved back to the old Chickasaw Nation. Went there in 33.
Q Where did you go from there? A. Stayed there until I moved to this country.
Q Was Isaac Love a Chickasaw. A. Yes sir Chickasaw.
Q How much Chickasaw blood did he claim to have? A . 3/4 said to be 3/4 His mother was a half breed and father a white man.
Q Then he was a quarter blood? A. Yes sir.
Q Where did you settle when you came to Indian Territory? A. Right down close to Colbert Station.
Q You have lived there ever since you came to this country? A. Yes sir , all the time.
Q Where did you live in 1830? A. Lived in Mississippi.
Q You lived in the Chickasaw Nation in 1830? A. Yes sir.
Q How far was the Chickasaw Nation from the Choctaw Nation? A. The north part of Chickasaw Nation adjoining Tennessee-- you know where Holly Springs is.
Q You lived then near Holly Spring, Mississippi? A. Yes sir about five miles from Holly Springs
Q Do you know anything about the treaty of "Dancing Rabbit Creek"? A. No sir. I used to go there when the Chickasaws and Choctaws had their councils there.
Q Where was Dancing Rabbit Creek, what part of Mississippi? A. Near Pontotoc.
Q Where was Pontotoc with reference to Holly Springs? A. South east.
Q How many miles Southeast? About 40 miles from Holly Springs.

Q It was 40 miles ~~in~~ from Holly Springs to Pontotoc ~~and~~ Dancing Rabbit Creek? A. About 15 miles further to Dancing Rabbit Creek.

Q It was 40 miles from Holly Springs to Pontotoc and 15 miles from Pontotoc to Dancing Rabbit Creek? A. Yes sir

Q How large a stream was Dancing Rabbit Creek? A. A right smart stream, pretty near as bitg as Red River or the Washata.

Q Have you ever seen the Tom Bigbee River? A. No sir I never seen it.

Q Do you think that Dancing Rabbit Creek was a s much as a mile wide? A. No not a mile wide , about two or three hundred yards I think, I was not old enough to pay much attention.

Q Didn't you ever go swimming in that stream? A. No sir.

Q Are you acquainted with a woman named Sarah Willard? A No sir I know her name, I have heard her name.

Q Have you ever seen a woman in your life that bore the name of Sarah Willard? A. No, sir, never saw her.

Q But you do claim to have heard of that name? A. Yes sir

Q Did you ever hear where she lived? A . No sir.

Q Do you know what her blood is? A. No sir.

Q Did you ever know a man by the name of John Brown? A. Yes, there is a John Brown used to live out here, used to live on Blue while and on Washata while.

Q You mean Blue Creek? A. Yes

Q You say the John Brown you knew lived on Washata and Blue? A. Yes sir.

Q Was he a white man? A. Part Indian I think

Q Did you know him a long time? A. Long time

Q A long time? How many years? A. About 20 years

Q When was the last time you saw John Brown? A. Last time I saw him I think over twenty years ago.

Gertrude Hanna being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes she reported a part of the proceedings had in the above entitled cause on the 10th day of April, 1903, and that the above and foregoing is a true and correct transcript of as much of the testimony of Charles Smith as was taken by her in said cause on said date.

Gertrude Hanna

Subscribed and sworn to before me this 10th day of April, 1903

Chas. M. Sawyer
Notary Public

The following is a continuation of the testimony of Charles Smith, the commencement of which was taken by Gertrude Harms, one of the stenographers to the Commission to the Five Civilized Tribes.

Q You say that you have known John Brown for twenty years?
A Yes sir.
Q You also state that the last time you had seen John Brown was twenty years ago? A Yes sir, I think fully that.
Q Then you have known him longer than twenty years? A Oh yes, I have known him since I first came to this country.
Q Why did you state awhile ago you only knew him twenty years?
A Well, he lived on Blue awhile and then moved somewhere up on Washita River.
Q Where did you first become acquainted with John Brown? A At the ball places we have here and the Tom Fuller dances.
Q Did you ever know him in Mississippi? A No sir.
Q Became acquainted with him after you came here? A Yes sir, heard his name in Mississippi but was not personally acquainted with him.
Q How do you know it was the same John Brown you met here whose name you heard in Mississippi? A I heard my old boss with him, he was well acquainted with him.
Q Who was John Brown married to? A Don't know, sir.
Q Never saw his wife? A Might have seen her.
Q Never heard her name? A No sir.
Q Do you know what family she belonged to before she married John Brown? A No sir.
Q Never knew it? A No sir.
Q Do you know whether John Brown and his wife had any children?
A Not as I know of.
Q Did John Brown have any peculiar name that he went by in that community other than John Brown? A No sir.
Q No other name? A No sir.
Q You are positive of that? A Yes sir, always went by that name out there.
Q Was that the only John Brown that lived on Blue and on the Washita? A No sir, there were two or three Browns.
Q But was that the only John Brown that lived on Blue and on the Washita? A Why there was two or three, Melton Brown and—
Q No, I mean John Brown. Is this John Brown the only John Brown that lived on the Washita and Blue? A Yes sir, that is the only John Brown I knew.
Q He did not have a son named John Brown? A No sir.
Q Never heard of him? A No sir.
Q And you knew him ever since you came to this country?
A Yes sir.
Q And you came here in 1844? A Yes sir.
Q And up to twenty years ago when he died you knew him?
A Yes sir. I don't know personally that he is dead now; I heard he was dead.
Q You knew him on Blue? A Yes sir.
Q And on the Washita? A Yes sir.
Q You knew him well? A Yes sir.
Q Went to ball places with him and to Tom Fuller dances? A Yes sir.
Q And yet you never knew he had a son by the name of John Brown?
A No sir.
Q Have you ever been at his house? A No sir, never was at his house.
Q Do you know whether you ever saw his wife or not? A I don't know.

Q You never saw her? A No sir, if I did I don't know it.
Q And you are certain you don't know what her maiden name was, the name she bore before she was married? A No sir, I don't know.
Q What tribe of Indians did you say John Brown belonged to?
A Chickasaw, I reckon.
Q Chickasaw you reckon; you don't know? A No sir.
Q Did he have any Choctaw? A Not that I know of.
Q You never heard that he did? A No sir.
Q I believe you stated that you never knew a woman by the name of Sarah Willard? A No sir.
Q Never did? A No sir, never seen her. I just heard that name.
Q Did you ever hear where this woman lived? A No sir.
Q Did you ever hear she was a Choctaw or a negro?
A No sir, never heard.
Q Now how did you hear her name mentioned? The name of Sarah Willard? A I just heard them talking one to another about it.
Q Who did you hear talking; mention the name of some man or woman you heard? A Well, just being in the company together is how I come to hear them talking.
Q Mention the name of one person that ever spoke to you of Sarah Willard? A I couldn't tell you now.
Q When was the last time you heard of Sarah Willard? A Long time ago.
Q How long? Ten years? A More than that.
Q No one has ever spoken to you of Sarah Willard in over ten years until today? A No sir.
Q You have never heard the name of Sarah Willard mentioned in ten years until today? A No sir.
Q You swear that? A Yes sir.
Q Did you ever know a man by the name of John Brown, Jr.? A John Brown, Junior?
Q Yes. A I heard the name but was not acquainted with the man.
Q Never heard of the Junior part of it? A No sir.
Q The only John Brown you knew was the one you spoke of awhile ago?
A Yes sir.
Q You never heard the Junior part? A No sir.
Q You never heard about a John Brown, Senior, did you? A No sir, never did.
Q And the John Brown you knew on Blue and Washita did not have a son named John Brown that you know of? A Not as I know of, no sir.
Q Did you ever know a John Brown in Mississippi? A No sir, I did not; just heard the name there; never got acquainted with John Brown until he came to this country.
Q You don't know that a John Brown died in Mississippi, do you?
A No sir.
Q Do you know whether John Brown complied with article fourteen of the treaty of 1830 when he lived in Mississippi? A No sir, I don't.
Q Did you ever hear that he did? A I never did.
Q Did you ever know a man by the name of Red Postoak? A No sir.
Q A Choctaw Indian by that name? A No sir.
Q Never knew him? A No sir.
Q Did you ever know a man, a Choctaw Indian, who went by the name of Chis-ha-ho-ma? A There is a lawyer here by the name of Homer.
Q That is the only man you know with a name that sounds anything like it? A Yes sir.
Q You never were acquainted with a Choctaw Indian named Chis-ha-ho ma, not the lawyer down here? A No sir.

Q Never heard of a man by the name of Chisahoma, a Choctaw Indian by that name? A Never did, no sir.
Q When did John Brown come from Mississippi to the Choctaw-Chickasaw Nation? A I don't know, he was here when I came.
Q How long did he say he had been here when you came? A I never heard him say.
Q Did he have improvements here when you came? A Yes sir, I think he had a home on Blue when I came.
Q From the appearance of that improvement, how long would you judge that he had lived there when you got to this country in 1844? A Looked as thoughhe had lived on it several years.
Q Did he say who he came to this country with? A No sir.
Q Did you ever know a man by the name of Faryth Frazier? A No sir, never did.
Q Never knew him? A No sir.
Q Do you remember making an affidavit on the 9th day of December, 1902, last December, at Colbert, Indian Territory, which you swore to before R.G. Vigand, a notary public; which affidavit was made in the case of Sarah D. Willard, an applicant for identification as a Mississippi Choctaw? A Yes, I remember making it.
Q You have made several affidavits in your lifetime so far, haven't you, in Mississippi Choctaw cases? A Yes sir.
Q How many have you made? A Three or four or five or six like that.
Q I will read you this affidavit:

"In the Matter of the Application of Sarah D. Williard et.al. for Identification as Mississippi Choctaw Indians."

Affidavit of

On this 9th day of Dec., 1902, personally appeared before me, the undersigned authority, Charle Smith, to me well and personally known as the person making the following statement, who after being duly sworn according to law, upon his oath stated as follows, to-wit, in answer to the interrogatories herein recorded.

Q What is your name? A Charle Smith.
Q Post Office Address? A Colbert I.T.
Q What is your age? A 84 since 1903 Jan.
Q What is your nationality? A Slave of Isic Love, Collard man.
Q Where were you from Mississippi yes
Q Did you ever reside in the State of Mississippi? A Yes.
Q If so, when did you remove to the Indian Territory? A 1844.
Q What Nation in the Indian Territory have you resided in since removing from Mississippi to the Indian Territory? A Chickasaw Nation I.T.
Q Did you reside in Mississippi in 1830, if so were you at Dancing Rabbit Creek at the time the Treaty was made there between the United States and the Choctaw Indians? Ans. Yes I was there till 1844.
Q Did you know a man at that time known by the name of John Browner. Ans. Yes knew him well, also Albert James Brown.
Q If so, of what nationality was he; if an Indian to what tribe did he belong? Ans. Choctaw & I think Chickasaw By Blood I

know they were Indin.

Q Were you acquainted with the wife of John Brown sr., if he had a wife? Ans. Yes. She was of the Frazier family kin to the Louis Colberts.

Q If he was married, and you know his wife, will you state of what nationality the wife was, and if an Indian, to what tribe did she belong? Ans. They only Indian Choctaw & Chickasaw on one side.

Q What was her maiden name? A I don't know in the family.Nancy T Patty.

Q Did you know the parents of the wife of John Brown sr.?

A Father, Choctaw name Chisahoma, English name James Frazier.

Q Did you know the children of John Brown sr., if he had any children? Ans. Yes. The one come out with James Frazier was John Brown, Jr.

Q If so, please give their names? Ans. I knew John- Albert well.

Q Was John Brown married more than once? Ans. I don't know.

Q If you know of his being married more than once, please give names of other wives? Ans. I don't know but one, a Frazier woman.

Q If John Brown sr. had children, did he have a son named John Brown jr. Ans. Yes the Father of applicant Sarah D. Willard.

Q Do you know anything about the parents of John Brown jr. having attempted to comply with the provisions of article 14 of the Treaty of 1830, that is did the parents of John Brown jr. elect to remain in Mississippi, and present themselves for enrollment?

A Yes they did. I know old John died in Mississippi.

Q If they did, or either of his parents, presented himself or herself for enrollment, state why, if you know, enrollment was denied? Ans. My reasons is this, I know a great many was not enrolled on acount of Wm. Ward the Indian Agent thinking to many wanted to remain and take land.

Q What relation was John Brown sr. to Red Post Oak or Chishahoma a Choctaw Captain? Ans. Son-in-law.

Q Did John Brown jr. ever come to the Choctaw Nation, if so, about what year? Ans. About 1844. He went by the name of Faryth Frazier as he lived with the Fraziers.

Q If John Brown jr. ever came to the Choctaw Nation, Ind. Ter., do you know who he came in company with? Ans. Chisahoma Mr. James Frazier Grand Father.

Q Did you know Red Post Oak and John Brown jr. personally, if so, what relation did they claim to be to each other? Ans. John Brown Jr. was a Grand Son.

Q Have you any interest in this case? Ans. No, only Justice be done by the hairs of John Brown Jr. the Grand Son of James Frazier Mr. Chisahoma the Indian.

(Signed) Charlie his + mark Smith.

Witnesses: J.E. Nelson,
C. Calvert.

Central District, Indian Territory.

Subscribed and sworn to before me this ninth (9) day of December 1902.

(Signed) R.C. Wigand,
Notary Public,
Central Dist. I.T.

(SEAL)

I Charles Smith of Colbert I.T. did know John Brown Jr. son of John Brown Sr. who Died in Miss. Personally while he Lived in the Territory as he spent a great deal of his time with Frank & Jim Calvert also my Master Isic Love."

Q Do you remember having made that affidavit? A Yes sir.
Q Did you answer the questions propounded in that affidavit as read to you by me; did you make the answers that are herein contained? A I did.
Q At the time this question was asked you: "Were you acquainted with the wife of John Brown sr., if he had a wife?" did you answer: "Yes, she was of the Frazier family kin to Louis Colbert?" Did you make that answer to that question? A I don't know that I did.
Q Well, if you did make that answer, was it true? A Yes, I reckon, if I made it.
Q Well, do you know whether you made it? A I'm not positive.
Q Do you know whether the wife of John Brown, Sr., was a member of the Frazier family, that is, whether her maiden name was Frazier before John Brown Sr. married her? A No sir, I don't know.
Q You still say that you never knew the wife of John Brown, Sr.?
A No sir, never heard her name.
Q Never heard her name? A No sir.
Q Then the statement contained in this affidavit wherein you answer that she was of the Frazier family and kin to Louis Colbert is incorrect, is it? A Yes sir.
Q You have no such knowledge? A No sir, no such knowledge.
Q Was this question asked you: "Did you know the parents of the wife of John Brown, Sr.?" A Yes sir.
Q Did you answer: "Father's Choctaw name Chisahoma, English name James Frazier?" A No sir.
Q You never answered that? A No sir.
Q Do you know the names of the parents of John Brown, Sr.'s wife?
A No sir, don't know her parents at all.
Q Do you still swear that you have never known a Choctaw Indian named Chisahoma? A No sir, never did.
Q The only Choctaw Indian you knew whose name sounds like that is this lawyer, Homer? A Yes sir, that is all I know that sounds like it.
Q Was this question asked you at the time you made this affidavit: "Did you know the children of John Brown, Sr., if he had any children?" A They asked me and I told them I didn't know.
Q How does this answer happen to appear after that? "Yes, the one come out with James Frazier was John Brown, Jr."? Did you make that answer? A I don't know; I don't think I did.
Q You stated just a little while ago that you did not know the names of the children? A Yes sir, I said that.
Q Following this question, they asked you if you knew the names of John Brown's children, please give these names. Did you answer: "I knew John and Albert well?" A No sir, I told them I didn't know none of their children. I don't know but John Brown, and I got acquainted with him when I got to this country.
Q Did they ask you this question: "If you know of John Brown being married more than once, please give the names of his other wives?" A No sir, I told him I didn't know nothing about how many times he had been married.
Q How does it happen that this answer follows that question: "I don't know but one, a Frazier woman?" A I believe I told them that.

Q You believe you told them that he was married once to a Frazier woman? A Yes sir, I believe so.
Q And now you state that you never knew the wife of John Brown. How do you reconcile the statement you made awhile ago that you never knew the wife of John Brown, and now you state that you answered the question asked you in that affidavit that his wife was a Frazier woman? A I told him I thought she was, if I was not mistaken.
Q How do you reconcile the statement now that you just previously made and that you never knew the name of the wife of John Brown?
A I am not acquainted with women much; just acquainted with the men folks.
Q Do you know the name of the wife of John Brown? A No sir.
Q Now when you made the statement that he married a Frazier woman, you made a statement that you knew nothing about? A Yes sir.
Q In other words, you swore to something that was either false or that you absolutely knew nothing about? A Yes sir.
Q You admit that when you stated that John Brown's wife was a Frazier woman that you knew nothing about it? A Yes, I knew nothing about it.
Q In other words now, why,you were telling an untruth? A I told them I didn't know.
Q You did make the statement,didn't you, that she was a Frazier woman? A Yes, I did say that, but I was not positive.
Q Now tell the truth, uncle; do you know whether John Brown was married to a Frazier woman or not? A Not as I know of, particularly; just what I heard of.
Q Who was she the daughter of? A Who, Frazier?
Q Yes sir. A I don't know.
Q Was this question asked you, uncle: "If John Brown had children, did he have a son named John Brown, Jr.?" A Yes, they asked me that question.
Q And you answered what? A I told them I didn't know what children he had.
Q Didn't you make this answer: "Yes, the father of applicant, Sarah D. Willard?" A They got it wrong; I told I didn't know nothing about the children.
Q You deny then that you made the answer that he did have a son named John Brown, Jr., who was the father of Sarah D. Willard? You deny that? A Yes sir.
Q Do you know who the father of Sarah D. Willard is? A No sir, I don't.
Q Do you know who was the father of John Brown, Jr.? A No sir.
Q You don't know? A No sir.
Q Do you know whether John Brown, Sr. had a son named John Brown, Jr.? A No sir.
Q I will ask you if this question was asked you at the time you made this affidavit: "Do you know anything about the parents of John Brown, Jr., having attempted to comply with the provisions of article fourteen of the treaty of 1830, that is, did the parents of John Brown, Jr., elect to remain in Mississippi and present themselves for enrollment?" Was that question asked you?
A No sir, not as I know of.
Q You don't remember whether it was asked or not? A No sir.
Q Well, I will ask that question now; do you know whether the parents of John Brown, Jr., ever attempted to comply with the

provisions of article fourteen of the treaty of 1830 by presenting themselves for enrollment to the Indian Agent in Mississippi?
A No sir, I don't know.
Q Was this question asked you: "What relation was John Brown, Sr., to Red Post Oak or Chishahoma, a Choctaw Captain?" A Never asked me no such question as that.
Q Well, if they had asked you that question, what answer would you have made? A I would have told them I knew nothing at all about it.
Q You don't know then the relation of John Brown, Sr., to Red Post Oak or Chishahoma? A No sir.
Q You don't know whether John Brown, Sr., is a son-in-law of Red Post Oak or Chisahoma, do you? A No sir.
Q If this affidavit contains the answer as given by you that John Brown, Sr., was a son-in-law of Red Post Oak or Chisahoma, did you make that answer? A No sir.
Q Was this question asked you: "Did John Brown, Jr., ever come to the Choctaw Nation, if so, about what year?" A No sir, it was not mentioned to me at all.
Q Well, in case it was asked you, what answer would you have given them? A Would have told them I knew nothing at all about it.
Q If this answer is accredited to you as being your answer to that question, is it true?"About 1844; he went by the name of Faryth Frazier as he lived with the Fraziers." A No sir, they never asked me no such question.
Q That would not have been your answer to that question? A No sir.
Q If that appears as your answer, is it true? A No sir, I never answered no such question that way.
Q Was this question asked you: "If John Brown, Jr., ever came to the Choctaw Nation, Indian Territory, do you know who he came in company with?" A No sir. They never asked me that.
Q If that question was asked you, what would your answer have been?
A I would have told them I knew nothing about it.
Q It appears from this affidavit that your answer to that question was that he came here with Chisahoma. A He was here when I come; I don't know who he came with.
Q Did you state that he came with Chisahoma? A No sir, I didn't. I didn't tell them whoho came with. He was here when I come.
Q Was this question asked you: "Did you know Red Post Oak and John Brown, Jr., personally, if so, what relation did they claim to be to each other?" A No, I don't remember it being asked me.
Q If that question was asked you, what would your answer have been?
A That I knew nothing about it.
Q You are accredited with this answer, that John Brown, Jr., was a grandson of Red Post Oak. A I told them I didn't know whether he was or not. I don't know who he was kin to.
Q Did you make no answer to that question? A No sir, I didn't make any answer like that to it. If they asked me I would have told them I didn't know anything about it.
Q You don't know then whether John Brown, Jr., was a grandson of Red Post Oak or not? A No sir.
Q You never know a man by the name of Red Post Oak, did you?
A No sir, I didn't.

Q Who was the lawyer or man that came to you and asked you to testify in this Sarah Willard case at the time you made this affidavit? A Who was the lawyer?
Q Yes sir. A I disremember but I think it was Mr. Homer here.
Q Mr. Homer? A Yes sir.
Q Was that the Indian lawyer you mentioned in your testimony as having a name similar to the one I mentioned? A Yes sir.
Q Did they pay anything to you for giving this testimony? A They paid my fare backward and forward here and give me something like fifty cents.
Q They paid your way back and forth from where? A From here.
Q But I have reference to the time you made this affidavit before the notary at Colbert. A That was close to home.
Q How much did they pay you for that? A I think they give me a dollar.
Q Was that for your expenses? A My expenses as far as I know.
Q That is all they give you, is it? Just a dollar? A Yes sir. There was a woman promised to give me three or four dollars when she got home but she never sent it.
Q Do you know a woman by the name of Barbara A. Tissington? A No sir.
Q Never heard of her? A No sir, never heard of any one by that name.
Q Was this affidavit that I have read to you— was that read over to you before you signed it? A Yes sir, I think it was.
Q The questions and answers? A I don't know, I am not positive.
Q Do you sign your name to documents that you swear to without having them read over? A I just swore to it. I can't write myself.
Q You remember having touched the pen? A Yes sir, no doubt about that.
Q On this affidavit? A Yes sir.
Q Who read it over to you, the notary? A Yes sir.
Q What is his name? A Mr. Wigand, the postmaster.
Q The postmaster down there? A Yes sir.
Q You are certain he read this over to you, questions and answers?
A Yes sir.
Q Why was it if this was read over to you and the answers accredited to you here were not your answers, why did you sign it? You say here there are certain answers you never made; the fact of the business is that when you signed this affidavit you didn't know what was in it? A No sir, I didn't know.
Q And they never read it over to you, did they? A Nelson read it over to me.
Q Didn't you say awhile ago that Wigand the notary and postmaster, read it to you? A Yes sir, I think he did.
Q Then what makes you say Nelson did? A Well he did too.
Q Who is Nelson? A He lives at Atoka.
Q Was a man by the name of Calvert there at that time? A I disremember; there was a lady with him.
Q Did you hear her name? A Mrs. Willard.
Q Why was it that in the first part of this testimony which you have given today you stated that you have never heard the name of Sarah D. Willard mentioned until today within ten years?
A I forgot her. She lives in Denison. She come over and hunted me up and Nelson told me her name.
Q Was that the first time you ever saw her? A No sir.
Q How long before when you first saw her? How long have you known her? A Little over a year ago.
Q Don't know her parents? A No sir.

Q You don't know her grandparents? A Well, no sir.
Q You don't know whether she has any Indian blood? A No sir, only what she said.
Q Do you know whether the father of this woman, Sarah Willard, that you have just mentioned as having lived in Denison and being present when you made this affidavit, do you know whether her father's name is John Brown, Jr.? A No sir, she never told me who her father was.
Q That is all you know about this? A Yes sir.
Q Is she the woman who was to give you three or four dollars and didn't pay you? A Yes sir.
Q And you never got it? A No sir, I never got it. She told me she didn't have it then but would mail it to me from Denison but I never got it.
Q You were not there but about a half an hour before the notary?
A About an hour.
Q And they were to give you four dollars for this hour? A Yes sir.
Q You only live a mile from the notary? A About a mile and a half.
Q You make an affidavit any time they ask you to? A Yes sir.
Q How many affidavits have you made? A A good many.
Q As many as fifty? A I guess so.
Q You have made about fifty of them? A Yes sir.
Q You have made as many as fifty anyway? A Yes sir.
Q You are up heretoday on other cases are you not? A Yes sir.
Q What case is that? A A man who lives in Texas.
Q You don't know his name? A Yes, but I have forgotten it.

Beryl Ingram being duly sworn states upon her oath as stenographer to the Commission to the Five Civilized Tribes she reported in part the proceedings had in the above entitled case April 10, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date; the first part of said proceedings being reported by Miss Gertrude Hanna.

Beryl Ingram

Subscribed and sworn to before me this 11th day of April, 1903.

Charles H. Garrison
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., April 17, 1905.

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In the matter of the application of Mrs. Sarah D. Willard for identification as a Mississippi Choctaw.

Thomas W. Leahy, being called as a witness and duly sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Thomas W. Leahy.
Q How old are you? A Twenty-nine.
Q What is your residence? A Muskogee, Indian Territory.
Q What position do you occupy? A Law clerk to the Commission to the Five Civilized Tribes.
Q How long have you been in the employ of the Commission to the Five Civilized Tribes? A Three years next month.
Q You may state the different positions you have held since you have been in the employ of the Commission and the different offices in which you have been so employed? A Well, I was a law clerk during all the time, with the exception of a year at the Choctaw land office at Atoka, Indian Territory, wherenI acted as roll clerk from the opening of the land office in April, 1903, until the first part of April, 1904.
Q During the time you were employed at the Choctaw land office at Atoka, Indian Territory, did you become acquainted with a woman named Sarah D. Willard, an applicant to the Commission for identification as a Mississippi Choctaw? A I think I did, yes sir.
Q How many times did you meet Mrs. Willard? A I think she was at the land office possibly two or three times.
Q State as briefly as you can what transpired during these visits?
A Well the first time she came in, there were a number of applicants there waiting for citizenship certificates. My duty as roll clerk was to issue certificates to applicants which authorized the allotment division to set apart lands to them. She came in there and said she wanted to file, and I made a cursory examination of the records and couldn't find her name anywhere and finally I asked her to step aside until I issued some certificates to others, and I would look up her case again and see if I could find any record of it. After I had time I made a further examination and was unable to find that she was either a citizen or an applicant for citizenship, as I now remember. At that time she stayed around Atoka I believe for the greater part of two days and she spent a great deal of time in the land office and she used every argument she could to get me to issue her a certificate, and she stopped me as I was going to and from my meals trying to get me to issue her a certificate.

Q Did she ever offer you any valuable consideration for issuing her a citizenship certificate or seeing that she was enrolled?
A Well, I don't know as I remember. It was probably a year and a half ago when she was there. I wouldn't want to say that she did directly offer me any valuable consideration. My impression is now that she did, but that was more in the way of a suggestion. I wouldn't want to swear that she made me a direct offer.
Q When was it that she was there--this time that you relate?
A I believe it must have been in the summer or fall of 1903. It was during warm weather.
Q Did she come back after that? A I think she did, once or twice after that.
Q How long did she stay on these other trips? A I don't remember. The first time I believe she stayed the greater part of two days which I believe was the longest time she stayed.
Q Was she insistent around the office to secure her rights?
A At first she was very insistent, and afterwards I believe she became convinced that she had no right, and then she tried to get me to issue a certificate to her.
Q Do you know anything more about this woman? A No, I don't think I do.
Q This is the only occasion you ever saw her--when she was at the land office at Atoka? A Yes sir, and on the street when I was going to and from my meals.

Witness excused.

- - - - - - - - - - -

David Shelby, being called as a witness and duly sworn, testified as follows:

Q What is your name? A David Shelby.
Q What is your age? A Fifty-two.
Q What is your post office address? A Muskogee, I. T.
Q What is your occupation? A Clerk to the Dawes Commission.
Q How long have you been in the employ of the Commission to the Five Civilized Tribes? A Something over four years.
Q You may state as briefly as you can what positions you have held and in what parts of the Indian Territory you have been engaged in the work of the Commission? A Six months as timber estimator in charge of camp No. 4; then for a year as clerk in the Choctaw-Chickasaw enrollment division at Muskogee; then in April 1903 transferred to the Choctaw land office at Atoka, as assistant to the chief clerk, and January 10, 1905 transferred back to the general office at Muskogee.
Q You was at the Choctaw land office of the Commission at Atoka from April 15, 1903, to January 10, 1905? A Yes sir.
Q What were your duties when you were employed at the Choctaw land office? A I had charge of the citizenship division.

Q During the time that you was in charge of the citizenship division did you ever have any business or ever become acquainted with a woman by the name of Sarah D. Willard, an applicant for identification as a Mississippi Choctaw? A Yes sir.

Q When did you first meet Mrs. Willard? A It was a short while after the opening of the land office on April 15, 1903. I can not remember the day or month, but at any rate, a short while after the opening of the land office on April 15, 1903.

Q Will you state as briefly as you can what transpired during this meeting of Mrs. Willard? A She called at the roll clerk's office and Mr. Leahy explained to her that she had filed an application for identification as a Mississippi Choctaw and sent her to my office and I informed her that we were only allotting lands to citizens and freedmen of the Choctaw Nation whose enrollment has been approved by the Secretary of the Interior and that she had no standing before our office and could not receive an allotment. She entered into a long discussion of her rights as an Indian and I finally left her. She wouldn't accept any explanation as to why we couldn't allot her and I, in other words, dodged her.

Q Was she insistent? A Yes sir, very much so.

Q How long was she in the office at that time? A I suppose fully two or three hours.

Q Did she ever visit the office on any other occasion while you was there? A I don't remember having met her but the one time.

Q Do you know anything more about this woman? A I know nothing of the woman, but I can state this: That having been employed at the general office of the Commission at Muskogee I remembered her case very well and told her the condition it was in; that was this: That she had been rejected by the Commission, and the Secretary of the Interior approved the decision of the Commissin refusing her application for identification as a Mississippi Choctaw.

Q I will ask you, at the time you refer to about her visit to the Choctaw land office, did she prove an annoyance to the employes?

A I am sure she did to me and I think to Mr. Leahy who had charge of the issuance of the citizenship certificates.

Q This occasion is the only time you remember her being at the Choctaw land office? A Yes sir.

Q Is there any further statement? A I can say further that on the closing of the office at the noon hour, myself and Mr. Leahy who had charge of the rolls of the office, on our way to dinner Mr. Leahy was stopped by Mrs. Willard in front of the law office of Mr. Jones and had some conversation with him, but I had talked with her as much as I wanted to so I went on.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commissionnto the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 17th day of April, 1905, and that the foregoing is a true transcript of his stenographic notes thereof.

Albert G. McMillan

Subscribed and sworn to before me this 18th day of April, 1905.

J. Campbell

Notary Public.

CHOCTAW NATIO

TRIBAL ENROLLMENT

Sex ____ Year ____ County ____ No. ____ SLAVE OF— NAME OF PA

REFER TO M. C. R. 50

Sarah Willard
Mal

Consolidated Case

- John Brown Sr 3/4
  wife
  Chickasaw
  Name not given
  - John Brown Jr
    wife
    Aunoth Brown
    or
    Onan Brown
    - mb R 653 Barbara A. Brown 42 1/8
      married
      John E. B. Tirrington
      - mb R 653 Lydia L Tirrington 17
      - " Carrie R. Tirrington 9
      - " Flowers B. Tirrington 7
      - " Alice A. Tirrington 5
      - " Albert E. R. Tirrington
    - Albertha Brown, Dead,
    - mb R 60 Sarah J. Brown 38 1/2
      married
      Frank Willard
      - mb R 60 Sadie A. Willard 14
      - " Lida A. Willard 13
    - Jamie A Brown, Dead,
    - William Brown
    - Mary E. Brown, Dead,

REFUSED.

JUN 14 1900

MEMORANDA.

(Date) June 14, 1900.

Name Sarah Willard (38) Denison, Texas.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/3) Mother's citizenship (N.S.)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife~~ (Husband) Frank Willard. (No)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
14. Sadie A.	County	Year	Page	No.
13. Lida A.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

John Brown (father) (1/2)
Onaw Brown (mother)

Muskogee, Indian Territor , August 9, 1900.

Mr. Henry Byington,

Caddo, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of August 8th in which you inclose papers to be filed in support of Sarah D. Willard's application for identification as a Mississippi Choctaw, and the same have been duly filed with the records of the Commission.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, October 16, 1901.

S. D. Willard,

Caney, Indian Territory.

Dear Madame:

Receipt is hereby acknowledged of your communication of October 8, 1901, in which you state that you will send your brother up as soon as he arrives and that he wishes to be identified as a Mississippi Choctaw.

In reply to your letter you are advised that if your brother desires to apply for identification as a Mississippi Choctaw he should appear before the Commission to the Five Civilized Tribes at its office at Atoka, Indian Territory, where he will be examined under oath, and a record made of such application.

Yours truly,

Acting Chairman.

M. C. 50

Miss.Choctaw 50.

Muskogee, Indian Territory, April 15, 1903.

Mrs. Sarah L. Willard,
Caney, Indian Territory,

Dear Madam:

Your letter of April 1, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You state therein that you are enrolled as a Choctaw citizen by blood, and have bought the improvements on three hundred and twenty acres of land which you are holding for yourself and your two children; that certain parties have recently taken possession of a part of your land and are cutting timber and making fences, and you ask to be advised what to do in the premises.

In reply to your letter you are advised that it appears from our records that you are an applicant for identification of yourself and two minor children as Mississippi Choctaws. No decision has yet been reached nor opinion rendered relative to your rights as such Mississippi Choctaws, and it is impossible, at this time, to say when your claim will be taken up for consideration and determination.

As soon as a decision is reached you will be notified of the action of the Commission.

S.L.W. 2

Relative to the holding of land by you in the Choctaw-Chickasaw country for yourself and your children, your attention is invited to the following provision of the act of Congress of May 31, 1900:

> That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary of the Interior, as Choctaws entitled to allotment."

It is not believed that the benefits of this legislation would accrue to applicants until they have been identified by the Commission as Mississippi Choctaws.

Yours truly,

Acting Chairman.

N C R 50.

COPY

Muskogee, Indian Territory, May 25, 1902.

Sarah Willard,

Denison, Texas.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Willard, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Willard, et al., N C R 50
Barbara A. Tissington, et al, N.C.R 853

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Sarah Willard, Sadie A. Willard, Ellen Willard, Barbara A. Tissington,

S W—2

COPY

Lydia L. Tissington, Carrie K. Tissington, Flowers B. Tissington, Alice A. Tissington and Albert E. R. Tissington, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification assuch should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Tams Bixby.

Acting Chairman.

Registered.

M C R 30'

COPY.

Muskogee, Indian Territory, May 28, 1903.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Sarah Willard, et al., embracing the following applications for identification as Mississippi Choctaws:

Sarah Willard, et al., M C R 30
Barbara A. Pilcington, et al., M C R 833

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-second, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Sarah

M Hoh & S—3

COPY.

Willard, Sadie A. Willard, Lida Willard, Barbara A. Tissington, Lydia A. Tissington, Charlie E. Tissington, Flowers B. Tissington, Alice A. Tissington and Albert B. R. Tissington, as Cherokee Indians entitled to rights in the Cherokee lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). Tams Bixby.

Acting Chairman.

M. C. R. 50.

COPY.

Muskogee, Indian Territory, May 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Sarah Willard, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 15th, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Sarah Willard, et al., M C R 50.
Barbara A. Tissington, et al., M C R 602.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nation have been duly advised

Secretary of the Interior——2

by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED). James Dixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

Miss.Choctaw R 50

Muskogee, Indian Territory, June 8, 1902.

Mrs. Sarah D. Willard,
631 W. Texas Street,
Denison, Texas.

Dear madam:

Receipt is hereby acknowledged of your letter of May 27, in which you ask what evidence is on file in this office in support of your application for the identification of yourself and your minor children as Mississippi Choctaws. You also inquire how much time you will have in which to procure additional evidence in support of your application, if the same is necessary.

In reply to your letter you are advised that on May 13, 1902, the Commission rendered its decision refusing your application for the identification of yourself and your minor children as Mississippi Choctaws, and the record in your case was forwarded to the Secretary of the Interior for review, on May 23, 1902. The evidence which was offered in support of your application is therefore not now in this office, but has been forwarded with the record in your case to the Secretary of the Interior.

The Commission, in passing on your case, after a review of the evidence offered in support thereof, says:

"The Commission, in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the principal applicants, given at the time of the making of their original applications, and the documentary evidence filed by them. By the evidence so submitted it is attempted to be shown that the common ancestor through whom these applicants claim their right to identification as Mississippi Choctaws is John Brown, Sr., the grandfather of the two principal applicants herein, and it is claimed that the said John Brown, Sr., was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830, and as it appears from the purported family record filed in the case of the principal applicant in this group, that her father, John Brown, Jr., the son of the said John Brown, Sr., was born in 1833 it is apparent that the latter was living in 1830. In order that these applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that the said John Brown, Sr., lived in Mississippi in 1830 as a recognized Choctaw Indian, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", as the head of a family, or that he was at that time the child of a recognized Choctaw head of a family who complied for him or that he was then complied for as the orphan child of a recognized Choctaw Indian. The applicants have entirely failed to show any such compliance on the part of the said John Brown, Sr., and it does not appear from the records in the possession of the Commission of these persons who did comply or attempt to comply with the provisions of article fourteen of the treaty of 1830 that any person by the name of John Brown, Sr., ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842 for the adjudication of such claims."

The name of your alleged Choctaw ancestor not appearing on the records in the possession of the Commission as a beneficiary under the provisions of article fourteen of the treaty of 1830, the Commission was therefore without authority to identify you and your children as Mississippi Choctaws, and it is not believed that any evidence which you could offer in support of your application for

S.D.W. 3

the identification of yourself and your minor children as Mississippi Choctaws could materially affect your rights as such Mississippi Choctaws.

Yours truly,

Acting Chairman.

COPY.

M.C.R. 80.

Muskogee, Indian Territory, July 2, 1902.

Sarah Willard,

Denison, Texas.

Dear Madam:

You are hereby advised that on the 23d day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Willard, et al., of which decision you were advised by registered mail on the 23d day of May, 1902.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

COPY.

M.C.R. 50.

Muskogee, Indian Territory, July 2, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Sarah Willard, et al., of which decision you were advised by mail on the 23d day of May, 1902.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

M C R 60

Muskogee, Indian Territory, July 22, 1902.

Mrs. Sarah D. Willard,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter without date relative to the rights of yourself and your children to identification as Mississippi Choctaws.

We can render you no further information in this matter than to state that the action of the Commission of May 13, 1902, refusing your application for the identification of yourself and your two minor children as Mississippi Choctaws, was approved by the Secretary of the Interior on June 23, 1902, of which action you were duly advised on July 2, 1902.

This action determines as far as this Commission is concerned any rights that you and your children might have as Mississippi Choctaw Indians under the authority vested in the Commission by the act of Congress of June 28, 1898.

It appears that you claim for yourself and your children the right to identification as Mississippi Choctaws by being the descendants of one, John Brown, but it does not appear from the records in the possession of the Indian Office that any person by

S D W 2

this name was ever a beneficiary in any manner under the provisions of the fourteenth article of the treaty of 1830.

As the authority vested in the Commission is only to identify the descendants of Choctaw Indians who were beneficiaries under the fourteenth article of the treaty of 1830, we cannot further consider your right as a Mississippi Choctaw and the decision of the Commission, which has been affirmed by the Secretary of the Interior has become a finality as to any rights that you and your children might have as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

M C R 80
M C R 653

Muskogee, Indian Territory, September 9, 1902.

Sarah D. Willard,
#831 West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your petition to the Secretary of the Interior, and supporting affidavits of Sam Perry and John Lewis; also certified copy of letter signed by Henry Byington and addressed to you, which were forwarded by you to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

In your petition you pray for a re-opening of the cases of yourself and your sister Barbara Allen Tiamington, applicants to this Commission for identification as Mississippi Choctaws, whose applications have been refused by the Commission and the decision of the Commission approved by the Secretary of the Interior.

The documents are herewith returned to you for the reason that the name of the common ancestor, John Brown, through whom yourself and sister claim your right to identification as Mississippi Choctaws, does not appear upon the records of this office as a person who complied or attempted to comply with the provisions of the fourteenth article of the treaty of eighteen hundred and

thirty, or applied to the Commissions appointed under the acts of Congress approved March 3, 1837, and August 23, 1842, for the adjudication of his rights.

The Commission does not see that the evidence sought to be introduced in any manner warrants a re-opening of the cases.

Yours truly,

Acting Chairman.

Miss.Choctaw R 50
Miss.Choctaw R653

Muskogee, Indian Territory, September 16,1902.

Sarah D. Willard,

821 West Texas Street,

Denison, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of September 13, relative to your right to citizenship in the Choctaw Nation.

We can render you no further information in regard to this matter than to advise you that the application for your identification as a Mississippi Choctaw having been refused by the Commission, and this decision having been affirmed by the Secretary of the Interior, the Commission considers the case closed.

Yours truly,

Acting Chairman.

M. C. R. 50.

Muskogee, Indian Territory, December 17, 1902.

J. E. Nelson,

Colbert, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you state that you will, in a few days, send to the Commission the petition of Sarah D. Willard for the reopening of her case, together with a new affidavit of Charles Smith.

In reply, you are informed that ir appears from the records of the Commission that Sarah Willard submitted her application for identification as a Mississippi Choctaw under the provision of the fourteenth article of the Choctaw treaty of 1830, claiming Choctaw descent from one John Brown, Sr.

On June 23, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing her application, and on July 2, 1902, she was notified of such departmental action.

The name of John Brown, Sr., does not appear upon the records in the possession of the Commission relating to those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and who received land or

J. E. N. S.

scrip thereunder, and it is not believed that the evidence you now seek to introduce will benefit the applicant.

Respectfully,

Acting Chairman.

M. C. R. 50

Muskogee, Indian Territory, December 17, 1902.

Sarah Willard,

831 West Texas street,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letters of the 1st and 12th instants, in which you make certain statements relative to the attempted compliance of your ancestor, John Brown, Sr., with the provisions of article fourteen of the Choctaw treaty of 1830. You also state that the Secretary of the Interior has advised you to send your petition, for the reopening of your case, to the Commission. You inclose with your letter of the 12th instant, a note to be delivered to Mr. Joe Nelson.

In reply to your letters you are informed that Mr. Joe Nelson does not reside in Muskogee, and it is believed his post office address is Colbert, Indian Territory. The note addressed to him is therefore herewith returned.

Relative to the reopening of your case, you are advised that the Commission, on September 9, 1902, forwarded to you your petition to the Secretary of the Interior for the reopening of your case, together with the supporting affidavits of Sam Perry and John Lewis. These documents had been forwarded to the Com-

mission by the Secretary of the Interior, for consideration and appropriate action. You were advised that the name of John Brown, Sr., the ancestor through whom you claim your right to identification as a Mississippi Choctaw, did not appear upon the records in the possession of the Commission containing the names of those persons who complied or attempted to comply with the provisions of the fourteenth article of the Choctaw treaty of 1830, or applied to the Commissions appointed under the acts of Congress approved March 3, 1837, and August 23, 1842, for the adjudication of his rights.

The Commission does not see that the evidence sought to be introduced by you in any manner warrants the reopening of your case.

Respectfully,

Acting Chairman.

Enc. MGB 39.

M.C.R. 50.

Muskogee, Indian Territory, December 22, 1902.

J. E. Nelson,
~~Colbert~~, Indian Territory.

Kinaichi - Durant. Jany 27. 1903.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, in which you state that you will, in a few days, send to the Commission petition of Sarah Willard for the reopening of her case, together with a new affidavit of Charles Smith.

In reply to your letter you are informed that it appears from the records of the Commission that Sarah Willard submitted her application for identification as a Mississippi Choctaw under the provisions of the fourteenth article of the Choctaw treaty of eighteen hundred and thirty; that on June 23, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing her application, and on July 2, 1902, she was notified of such Departmental action.

The Commission considers this case closed and cannot receive or consider further evidence therein.

Respectfully,

Acting Chairman.

M.C.R. 50.

Muskogee, Indian Territory, December 30, 1902.

Sarah Willard,
#831, West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 10th instant, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

Therein you make certain statements regarding the names of your ancestors being found on the 1830 Mississippi Choctaw rolls, and ask that you be allowed to submit additional proof in support of your claim.

In reply you are informed that the Commission, on September 9, and December 17, 1902, addressed communications to you fully replying to all the matters contained in your letter.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDENTHRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 13, 1903.

David H. Shelby,

Choctaw-Chickasaw Enrollment Division,

Dear Sir:-

In regard to the request made by Mrs. Sarah D. Willard for the re-opening of her application for identification as a Mississippi Choctaw and the affidavits and communications forwarded by her to the Secretary of the Interior, and by him forwarded to the Commission for consideration and appropriate action, I have to report that I have examined her claim carefully and find that she now claims that her father was named John Brown Jr., and his father was named John Brown Sr., and that the said John Brown Sr was married to a daughter of Red Postoak, Chisahoma, alias James Frazier. The applicant claims that her grandfather and also her grandmother's father complied, or at least attempted to comply with article fourteen of the treaty of "Dancing Rabbit Creek" and further states that her grandfather shortly after 1830, died, and that her father John Brown Jr., was raised by Red Postoak and went by the name of Frazier until he became of age.

The records in our possession fail to show the name of a James Frazier, though they do show the name Chish-a-homah (or Chis-he-homa) alias Captain Red Postoak, and it appears that his

rights were adjudicated by the commissioners appointed under the acts of Congress approved March 3, 1837 and August 23, 1842, and from the testimony taken at that time it is shown that he was childless in 1830, and no where in the records relating to his claim, does it appear that he ever bore the name of James Frazier.

The name of John Brown Sr. or Jr. or John Frazier does not appear upon our records as a claimant under the treaty.

This case is represented by Henry Byington, whose reputation is well known to you, and the affidavits submitted by the applicant are signed by Sam Perry, John Lewis and Charles Smith whose reputations for affidavit making regardless of their knowledge of the facts to which they testify, are also well known to you.

The lengthy epistle forwarded by the applicant to the Secretary of the Interior is simply a statement by the applicant that her grandfather and his wife's father complied or attempted to comply with the provisions of article fourteen, and that she is entitled to enrollment as a citizen of the Choctaw Nation. Although the letter contains 17 pages, about every three pages is a repetition of the statements made in the first three pages.

It does not appear from an examination of the records in the possession of the Commission relating to claims under article fourteen or from the testimony submitted by the applicant, that it is necessary to re-open her case .

Respectfully,

Chas von Wrink

M.C.R. 50.

Muskogee, Indian Territory, January 17, 1903.

J.E. Nelson,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th inst., in which you make certain statements regarding proof submitted by Sarah Willard in the matter of the application made by her for the identification of herself and minor children as Mississippi Choctaws, and ask to be advised the present status of her case.

In reply, you are informed that on June 23, 1902, the Secretary of the Interior approved the decision of this Commission refusing her application, and on July 8, 1902, she was notified of such departmental action.

There is nothing in the proof submitted in this case that in any way tends to show any act of compliance on the part of her alleged Choctaw ancestors with any of the provisions of article fourteen of the Choctaw treaty of 1830.

Respectfully,

Commissioner in Charge.

M C R 50

Muskogee, Indian Territory, July 3, 1903.

Mrs. S. D. Willard,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

In reply you are informed that on June 23, 1903, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw. The Commission now considers this case closed.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, April 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental communication of December 31, 1902, (I T D 3462,7971-1902) transmitting a communication from Mrs. S. D. Willard, dated December 14, 1902, received by the Department December 20, 1902, with affidavits received therewith. These papers were forwarded for consideration, report and recommendation of the Commission as to whether a rehearing should be granted in the consolidated case of Sarah Willard et al.

Reporting in this matter the Commission has to advise that it appears from the communication and affidavits above referred to, that the principal applicant, Sarah D. Willard, now claims descent from her father, John Brown, Jr., and that the said John Brown, Jr. was a son of "old John Brown, Sr.," a Choctaw, and that the said John Brown, Sr. was married to a daughter of Red Postoak, Chisa-homa, alias James Frazier.

The principal applicant claims that her grandfather, John Brown, Sr., also her grandmother's father, Red Postoak, Chisa-homa, alias James Frazier, complied or at least attempted to comply with

provisions of article 14 of the Choctaw treaty of 1830, and further states that her grandfather, John Brown, Sr., died shortly after 1830, and that her father, John Brown, Jr., was raised by Red Postoak and went by the name of Frazier until he became of age.

The records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article 14 of the treaty of 1830 have been carefully examined, and it does not appear that any person by the name of James Frazier, John Brown, Sr., or John Brown, Jr., ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article 14 or presented his claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

It does appear, however, that one Chish-a-homah (or Chis-he-homa) alias Captain Red Postoak, was an applicant before the Commissions appointed under the acts of Congress approved March 3, 1837 and August 23, 1842, and that his rights under the 14th article of the treaty of 1830 were adjudicated by these Commissions, but the records in the possession of the Commission show that the said Chish-a-homah (or Chis-he-homa), alias Captain Red Postoak, was childless in the year 1830, and nowhere in the record relating to his claim does it appear that he ever bore the name of James

Frazier.

The record in the case of Sarah Willard, et al., M C R 50, shows that at the time the principal applicant made application for identification as a Mississippi Choctaw she claimed her Choctaw blood through her father, John Brown, and by ex parte affidavits filed at that time it was attempted to be shown that her said father was a son of John Brown, Sr., "who was about a three-fourths blood Choctaw."

Among the documentary evidence filed at that time are the ex parte affidavits of Charles Smith and John Lewis, two of the persons whose affidavits have been submitted by the applicants in support of a motion for a re-hearing in this case.

By reference to the affidavit of Charles Smith filed before the Commission in this case, it will be noted that the affiant, Charles Smith, was acquainted with John Brown, Jr., the father of the principal applicant, and also that John Brown, Sr., the grandfather of the principal applicant, who was about a three-fourths blood Choctaw. Nowhere in the affidavit made by him at that time, wherein he attempts to trace the family descent of the applicant, is any reference made to the wife of John Brown, Sr. being a Choctaw woman, and no reference is made to Captain Red Postoak, Chisehoma, alias James Frazier, being the great-grandfather of the principal applicant herein.

The affidavit of Charles Smith filed by the applicants in support of their application for a re-hearing in this case, attempts to show that the affiant was acquainted with the grandfather of the principal applicant, John Brown, Sr., and with his wife who was a daughter of Chis-a-homa, alias James Frazier.

The affidavit of John Lewis filed in support of the petition for a re-hearing is similar in substance to that of Charles Smith.

As an instance of the unreliability of the ex parte affidavits offered in support of the petition for a re-hearing in this case, the Commission desires to call the attention of the Department to the enclosed transcript of testimony of Charles Smith whose affidavit was forwarded to the Department by the applicants in support of their petition for a re-hearing. This testimony was taken at the office of the Commission at Muskogee, Indian Territory, on April 10, 1903, and by reference thereto it will be noticed that the witness denied nearly every statement accredited to him in the affidavit, and that he knows absolutely nothing about the Choctaw ancestors of the applicants in this case. It is not believed that the other ex parte affidavits filed in this case are any more reliable as to the statements contained therein.

It is the opinion of this Commission that the allegations

set forth in the affidavits transmitted with departmental communication of December 31, 1902, taken in consideration with the record in this case, are not sufficient to warrant the granting of a rehearing herein.

The papers transmitted by you are therefore herewith returned.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.

MoM 107

M C R 50

Muskogee, Indian Territory, May 20, 1903.

Sarah D. Willard,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letters of the 9th and 12th instant, wherein you make certain statements regarding your Choctaw ancestors and ask to be advised relative to filing on land in the Choctaw-Chickasaw country.

In reply you are informed that on June 23, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for identification as a Mississippi Choctaw. The Commission now considers this case closed.

Respectfully,

Chairman.

M C R 50

Muskogee, Indian Territory, May 23, 1903.

Sarah D. Willard,

West, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, in which you ask to be advised relative to filing on land in the Choctaw-Chickasaw country.

As previously advised, the Secretary of the Interior, on June 23, 1902, approved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws. The Commission now considers this case closed.

Respectfully,

Chairman.

(COPY)

D.C. 18002. J.P.

ITD. 3462,7971-1902. CMR

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

June 26, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

Referring to departmental letter dated December 31, 1902)ITD 3462,7971-1902), sending you certain papers for your consideration, report and recommendation as to whether a rehearing should be granted in the Mississippi Choctaw case of Sarah D. Willard, et al., you are requested to make an immediate report concerning the matter.

Respectfully,

Melville W. Miller,

Acting Secretary.

Muskogee, Indian Territory, July 7, 1903.

The Honorable

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of Departmental communication of June 26, 1903, referring to Departmental letter, dated December 31, 1902, (I.T.D. 3462, 7971-1902), with which was transmitted certain papers for consideration, report and recommendation as to whether a re-hearing should be granted in the Mississippi Choctaw case of Sarah D. Willard, et al., and requesting an immediate reply concerning the matter.

Replying to your communication, you are advised that on April 14, 1903, the Commission returned to the Department papers transmitted with Departmental communication of December 31, 1902, together with its report thereon.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 50.

M C R 50

Muskogee, Indian Territory, July 28, 1904.

Sarah Willard,
#831 West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 11th instant, by reference from the United States Indian Agent, Union Agency. You state that you have filed in the office of the General Land Agent at Washington, D. C. a description of your land and now desire to be informed when you will be allowed to file on the same.

In reply to your letter you are informed that on June 23, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children, of which departmental action you were duly notified on July 2, 1902.

The Commission now considers your case closed and it is not believed that you and your minor children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

M C R 50

Muskogee, Indian Territory, December 12, 1904.

Mrs. Sarah D. Willard,
#831 West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letters dated October 24 and December 5, 1904, by reference from the Choctaw Land Office. You describe certain land which you state is your claim, and desire to be advised whether or not certain parties have filed on the land claimed by you.

In reply you are informed that on June 23, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You were duly notified of such departmental action on July 2, 1902.

You are further advised that your case is now considered closed and it is not believed that you and your children are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

M C R 50

Muskogee, Indian Territory, December 12, 1904.

Commissioner in Charge,

Choctaw Land Office,

Atoka, Indian Territory.

Dear [redacted]

Referring to your communication of the 9th instant, transmitting letter from Mrs. S. D. Willard, Caney, Indian Territory, for proper disposition, you are advised our records show that the Secretary of the Interior on June 23, 1902, approved the Commission's decision of May 13, 1902, adverse to the applicants in the Mississippi Choctaw case of Sarah Willard, et al. Therefore it is not believed that Mrs. Willard is in any manner entitled to maintain possession of property belonging to the Choctaw and Chickasaw tribes.

Respectfully,

Chairman.

M C R 60

Muskogee, Indian Territory, December 22, 1904.

Mrs. S. D. Willard,

#631 West Texas Street,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th instant, by reference from the Secretary of the Interior, relative to the refusal of your application for identification as a Mississippi Choctaw.

In reply you are informed that the Commission cannot give you any further information than that contained in its letter to you under date of December 12, 1904.

Respectfully,

Chairman.

C O P Y.

D.C. #5185 J. W. H.

DEPARTMENT OF THE INTERIOR,
Washington. FHR.

I.T.D. 3462-1902.
99-177-604-1905. January 26, 1905.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

The Department is in receipt of your report of April 14, 1903, relative to the applications of Sarah D. Willard (M.C.R. 50), et al, for identification as Mississippi Choctaws. Said report, with its inclosures, was forwarded January 19, 1905, by the Acting Commissioner of Indian Affairs. He also transmitted the record in the case, and certain depositions taken from the records of his office which are apparently pertinent to the matter.

On May 13, 1902, you held that these applicants are not entitled to identification. It then appeared that Mrs. Willard, who is the principal applicant herein, was the daughter of John Brown, Jr., and that the latter was the son of John Brown, Sr., who was a resident of Mississippi.

The original hearing before your Commission was had June 14, 1900. The testimony was then taken in the brief form in vogue prior to the instructions of the Department given in its letters of June 10, 1901, and April 2, 1903, relating, respectively, to the cases of Lizzie Woodard and Harriet Adkins.

On June 23, 1902, your decision adverse to the applicants was affirmed by the Department.

The papers returned by you were sent you December 20, 1902, for report and recommendation. They include the petition of Mrs. Willard for a rehearing, and the affidavits filed in support thereof. From these papers it appears that Mrs. Willard's grandfather, John Brown, Sr., married the daughter o f a Choctaw whose Indian name was Chisa-homah. He was also known as Captain Red Post Oak. It is noted that there was a person bearing these names who attempted to comply with article 14 of the treaty of September 27, 1830, and to whom scrip was issued by virtue thereof, under the act of August 23, 1842.

The affidavits filed in support of Mrs. Willard's petition show the names of her ancestors, to and including Chisa-homah, and aver specific information concerning the residences of such persons and their connection with said article 14.

You expressed the opinion, that taken in connection with the record in the case, the affidavits do not warrant a rehearing therein.

It is noted that on April 10, 1903, you examined Charles Smith, one of the persons whose affidavit was filed in support of this motion for a rehearing. His examination covers nearly eleven pages of typewritten matter. The purpose of this examination apparently was to demonstrate the unreliability of Smith's affidavit. The examination enters largely into the family history of Mrs. Willard. It does not appear, however, that she was present at such hearing, or that she had notice of the same.

In your report you refer to the testimony of Charles Smith for the purpose of showing that a rehearing should not be ordered. It would appear that although the Department has not so ordered, you have instituted what amounts to a rehearing, although the applicant was not permitted to be present. In such report you stated that the records in the possession of your Commission show that Chisa-homah, alias Captain Red Post Oak, was childless in the year 1830, apparently assigning that as a further reason why the rehearing should not be ordered.

From the report of the Acting Commissioner of Indian Affairs, however, it appears that Captain Red Post Oak had, in fact, four married children at that time, three of them being females. In said report the Acting Commissioner recommends that the case be remanded.

The Department considers that such recommendation should

be followed. Although the motion for a rehearing has been presented in an unskillful manner, and by an ignorant person, the affidavits furnished by Mrs. Willard, and the many letters she has written in connection with her case, are sufficient to justify the conclusion that further investigation should be made.

In advising the applicants hereof it is desired that you follow the instructions contained in departmental letter of April 2, 1903, in the case of Harriet Adkins referred to above.

Inclosed herewith, in addition to the record, are the letters of Mrs. Willard, a copy of the Acting Commissioner's report, and copies of certain depositions taken from the records of the Indian Office.

Respectfully,

THOS RYAN

Acting Secretary.

40 inclosures.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

LAND.
37042-1902.
26565-1903.
43086-1903.
83028-1903.
1481-1905. (C O P Y)

Washington, Jan. 19, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commission to the Five Civilized Tribes of April 14, 1903, acknowledging receipt of Departmental communication of December 31, 1902 (I. T. D. 3462-7971), forwarding for consideration, report, and recommendation, certain papers upon an application for a rehearing in the Consolidated Mississippi Choctaw case of Sarah B. Willard, et al.

The Commission reports that it appears from the communication and affidavits above referred to that the Principal applicant Sarah Willard, now claims descent from her father, John Brown, Jr., and that John Brown, Jr., was the son of "old John Brown, Sr.," a Choctaw, and that John Brown, Sr., was married to a daughter of Red Post Oak Chisa-homa, alias James Frazier.

The Commission further says the principal applicant claims that her grandfather, John Brown, Sr., also her grandmother's

father, Red Post Oak Chisa-homa, alias James Frazier, complied or at least attempted to comply, with the provisions of Article 14 of the Choctaw treaty of 1830; and further states that her grandfather John Brown, Sr., died shortly after 1830, and that her father, John Brown, Jr., was raised by Red Post Oak and went by the name of Frazier until he became of age.

The records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of Article 14 of the Treaty of 1830, have been carefully examined and it does not appear as a result of that examination that any person of the name of James Frazier, John Brown, Sr., or John Brown, Jr., ever signified his intention to Col. William Ward, Indian Agent Choctaw Agency, to comply with the provisions of Article 14, or presented his claim as a beneficiary under the article to either of the commissions authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for adjudication of such claims.

The Commission further says it does appear, however, that one Chish-a-homah or Chis-he-homa, alias Captain Red Post Oak, was an applicant before the Commissions appointed under the acts of Congress approved March 3, 1837, and August 23, 1842, and that his rights under the 14th article of the treaty of 1830 were adjudicated by these commissions, but the records in the possession of the Commission shows that Chish-a-homah (or Chis-he-homa), alias Cap-

tain Red Post Oak, was childless in the year 1830 and no where in the record relating to his claim does it appear that he ever bore the name of James Frazier.

The Commission further states that the record in the case of Sarah Willard, et al, shows that at the time the principal applicant made application for identification as a Mississippi Choctaw, she claimed her Choctaw blood through her father, John Brown, and by affidavits filed at that time it was attempted to be shown that her father was a son of John Brown, Sr., "who was about a three-quarter blood Choctaw."

With the documentary evidence filed at that time are the affidavits of Charles Smith and John Lewis, two of the persons whose affidavits have been submitted by the applicants in support of a motion for a rehearing in this case.

By reference to the affidavit of Charles Smith filed in this case, the Commission says it will be noted that the affiant (Smith) was acquainted with John Brown, Jr., the father of the principal applicant, and also with John Brown, Sr., the grandfather of the principal applicant, who was about a three-quarter blood Choctaw. No where in the affidavit made by him at that time wherein he attempts to trace the family descent of the applicants, is any reference made to the wife of John Brown, Sr., being a Choctaw woman, and no reference is made to Captain Red Post Oak Chisa-homa, alias James Frazier being the great grandfather of the principal applicant.

The affidavit of Charles Smith filed by the applicants in support of their application for rehearing in this case, attempts, says the Commission, to show that the affiant was acquainted with the grandfather of the principal applicant, John Brown, Sr., and with his wife, who was the daughter of Chis-a-homa, alias James Frazier, and that the affidavit of John Lewis filedin support of the application for rehearing is similar in substance to that of Charles Smith.

The Commission says as an instance of the unreliability of the "ex parte" affidavit referred to in support of the petition for rehearing in this case, it desires to call the attention of the Department to the enclosed transcript of testimony of Charles Smith, whose affidavit was forwarded to the Department by the applica nts in support of their petition for rehearing. This testimony was taken at the office of the Commission at Muskogee, on April 10, 1903, and by reference thereto it will be noted that the witness denied nearly every statement accredited to him in the affidavit, and that he knows absolutely nothing about the Choctaw ancestors of the applicants in this case. The Commission does not believe that the other affidavits filed in this case are any more reliable as to the statements contained therein.

It is the opinion of the Commission that the allegations set forth in the affidavits transmitted with Departmental communication of December 31, 1902, taken in connection with the record

in the case, are not sufficient to warrant the granting of a rehearing.

This office has received numerous letters from Mrs. Willard relative to her claim in this case, reiterating and amplifying the statements made in connection with her showing as to the proof which she can produce in support thereof. She is evidently an ignorant woman, has not had the advice of counsel, and does not understand the method ordinarily pursued in submitting proof of ancestry in a case of this character.

There are enclosed copies of depositions in the cases of Chishoma, or Captain Red Post Oak, Molly Frazier, Charles Frazier, and Nancy Frazier. While the Commission says in its letter that the record shows Chishshoma not to have had any children in 1830, the deposition submitted shows that he had four married children at that time, named Kan-con-tubbe, Low-a-chi, Hi-o-tona, and Champa-tona, the three latter being females.

Molly Frazier was the wife of James Frazier, and since the name of James Frazier is mentioned as an alias of Chishshoma, it was thought important to give the testimony relative to his family. The witness, Charles Smith, in his testimony taken by the Commission, alludes to the Frazers as being related to the Colberts and other Chickasaws, and that is considered an additional reason for submitting these Frazier depositions, as the depositions in the cases of Nancy Frazier and Charles Frazier show this family con-

nection with the Colberts. Chishehoma was quite a prominent man among the Choctaws in 1830 and well-known. He was as well-known as Post Oak as he was by any other name, but there were also others of the same name, so that it becomes rather difficult to trace him through the records where such names appear.

There was also a Chis-e-hamba (or -homba), who was an applicant for land under the 19th Article of the Choctaw Treaty, and whose sale of the SW/4 of Section 23, T. 15 N., Range 13 E., was subsequently approved by the Department.

In an undated schedule of claims for property lost or surrendered as the result of emigration to the Choctaw Nation West, under the provisions of the treaty of 1830, now on file in this office, it having been submitted to the Government by the Choctaw authorities, the name of Chisha-homer appears, he having emigrated in 1846, being on the date of the preparation of this schedule, a resident of Pushahimmbbee District, Towson, County, Choctaw Nation. His claim was for two horses valued at $40; 10 hogs at $60; and two plows at $8. Whether this claimant was the Chishehoma of this record, I am unable to affirm, the fact being submitted as a possible element in the case.

Information as to Chishehoma can also be gleaned from the printed record in the case of the Choctaw Nation against the United States before the Court of Claims, Volume 1, Pages 216, 209, 217, 218, 219, and 222.

I am not satisfied by the papers before the office that Mrs. Willard and those claiming with her and through her, are descendants of a beneficiary of the 14th Article of the Choctaw treaty, or are not, and since such showing as has been made in their behalf has been very unskillfully presented, to say the least, I believe it would be in the interests of justice and a clear understanding of the rights of the parties if the case were remanded to the Commission in order that the applicants may be given a further opportunity to submit such evidence as is available. With this purpose in mind, I have set out such records as the office has, which apparently may throw light on the case, and recommend that it be remanded.

Very respectfully,

C. F. LABRABEE

EBH-H

Acting Commissioner.

M C R 50

Muskogee, Indian Territory, February 10, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of January 26, 1905, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Sarah D. Willard, et al., with instructions that the applicants be given an opportunity to introduce additional testimony in support of their claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Tuesday, March 14, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Copy of departmental letter of January 26th is enclosed.

Respectfully,

Chairman.

Registered
MoM OO

M C R 50

Muskogee, Indian Territory, February 10, 1905.

Sarah D. Willard,

#831 West Texas Street,

Denison, Texas.

Dear Madam:

The Secretary of the Interior with his letter of January 26, 1905, returned to this Commission the record theretofore forwarded the Department in the consolidated Mississippi Choctaw case of Sarah D. Willard, et al., with instructions that the applicants we granted an opportunity to introduce additional testimony in support of their claim.

The Commission is directed to advise you that the records of the government relating to the compliance of persons with the provisions of the 14th article of the Choctaw treaty of 1830, contain certain information, as of that year, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road.)

3rd. Their Choctaw as well as their English names.

4th. The names and number of the persons who composed their families.

5th. The names of their neighbors and immediate

S D W 2

associates; and that for the purpose of comparison, testimony of like character should be furnished relative to the applicant's ancestors.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, on Tuesday, March 14, 1905, at nine o'clock A. M., hear the testimony of such witnesses as may present themselves in person and receive for consideration such documentary evidence as may be offered in support of this case.

Respectfully,

Chairman.

Registered.

M C R 50

Muskogee, Indian Territory, March 2, 1905.

Henry Byington,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, enclosing what purports to be a brief in support of the consolidated Mississippi Choctaw case of Sarah D. Williard, et al.

In reply you are informed that on February 10, 1905, in accordance with the directions of the Secretary of the Interior of January 26, 1905, Sarah D. Willard was notified that the testimony of such witnesses as she might desire to present would be heard at the office of the Commission at Muskogee, Indian Territory on Tuesday, March 14, 1905, at nine o'clock A. M. Notice of this hearing was also furnished Barbara A. Tissington, at Caney, Indian Territory, she being one of the principal applicants in this case, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

If the applicants in this case have any witnesses whose testimony would be material to their claim, or any documentary evidence that they desire to present, the same should be presented to the Commission at the time and place above stated, in order that the attorneys for the Choctaw and Chickasaw Nations who have also been notified of such hearing may be present and cross-examine

N B S

the witnesses or object to any evidence that may be offered, if they so desire.

The purported brief offered by you consists of copies of numerous affidavits which bear no signatures whatever, neither does the same bear proof of service of a copy thereof upon the attorneys for the Choctaw and Chickasaw Nations, and is herewith returned.

Respectfully,

Commissioner in Charge.

MeM 87

M C R 50

Muskogee, Indian Territory, March 2, 1905.

Mrs. Sarah D. Willard,
#831 West Texas Street,
Denison, Texas.

Dear Madam:

The Commission is in receipt of your letter of February 16, 1905, from Denison, Texas, and also letters from you under date of February 24, 1905, from Durant, Indian Territory, and February 27, 1905, from Caddo, Indian Territory, in reference to your right to be identified as a Mississippi Choctaw Indian.

Seemingly from your letters it is not your intention to personally appear before the Commission or to present any witnesses in reference to your right to identification as a Mississippi Choctaw at the office of the Commission at Muskogee, Indian Territory, on March 14, 1905, in accordance with the Commissions notice of February 10, 1905.

In connection with this matter I desire to invite your attention to the fact that your original application for identification as a Mississippi Choctaw was submitted to the Commission June 14, 1900, now nearly five years ago. Since that time you have continued to address the Commission communications claiming that you are entitled to identification as a Mississippi Choctaw. Time and again prior to the decision of the Commission of May 13,

1902, refusing to identify you as a Mississippi Choctaw, you were notified that you would be allowed to introduce the testimony of witnesses or such other evidence as you might desire to submit in support of your claim.

You have since the decision of the Commission continually recited facts which you allege you are able to prove in reference to your right to be identified as a Mississippi Choctaw, both to the Commission and the Honorable Secretary of the Interior.

Your case, after pending before the Department for two years and a half was, upon your own request and petition , on January 26, 1905, remanded to the Commission by the Secretary of the Interior for a rehearing. The Secretary of the Interior in returning this letter to the Commission states:

> "Although the motion for a rehearing has been presented in an unskillful manner, and by an ignorant person, the affidavits furnished by Mrs. Willard, and the many letters she has written in connection with her case, are sufficient to justify the conclusion that further investigation should be made."

The Commission, on February 10, 1905, in accordance with the directions of the Secretary of the Interior of January 26, 1905 notified you that the testimony of such witnesses as you might desire to present would be heard at the office of the Commission at Muskogee, Indian Territory, on Tuesday, March 14, 1905, at nine o'clock A. M. Notice of this hearing was also furnished Barbara A. Tissington, at Caney, Indian Territory, and Mansfield, McMurray &

S D W S

Cornish, the attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

In your letters you now state that it will be impossible and impracticable for you to appear before the Commission at the time and place above set forth, as you will be prevented by "sickness and finance" from so doing.

In view of the length of time that you have had in which to secure such testimony as you might consider beneficial to your claim, it is not considered advisable to grant any further continuance in your case upon such allegations as you have made. If you have any witnesses whose testimony would be material to your claim, or any documentary evidence that you desire to present, the same should be presented to the Commission at Muskogee, Indian Territory, on Tuesday, March 14, 1905, at nine o'clock A. M., in order that the attorneys for the Choctaw and Chickasaw Nations who have also been notified of such hearing may be present and cross-examine your witnesses or object to any evidence that you may present, if they so desire.

I must insist that you make every possible effort to have your case ready for presentation at the time and place above set forth, as otherwise it cannot but be concluded that you do not anticipate further prosecuting your claim.

As requested in your letter of the 16th ultimo, the paper

S D W 4

and picture heretofore forwarded the Commission is herewith returned.

Respectfully,

Commissioner in Charge.

McM 86

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEWLON,
C. R. MIDDLEBROOK.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

WHEN AN REPLY TO THE FOLLOWING

March 14, 1905.

Received of the Commission to the Five Civilized Tribes copies of the testimony in this case.

Sarah Willard 4977

MANSFIELD, McMURRAY & CORNISH

By

W H Moore

Muskogee, Indian Territory, April 15, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Under date of January 26, 1905 (I T D 3462-1902; 99, 177, 604-1905), the Department returned to the Commission the record of proceedings, together with the decision of the Commission of May 13, 1902, in the matter of the application of Sarah Willard, et al. and Barbara A. Tissington, et al., applicants for identification as Mississippi Choctaws, and a number of letters from Mrs. Sarah D. Willard, of Denison, Texas, a copy of the report of the Acting Commissioner of Indian Affairs of January 19, 1905, and copies of certain depositions taken from the records of the Indian Office. The Commission was directed to permit the applicants a rehearing in this case and an opportunity to introduce additional testimony in conformity with the instructions contained in departmental letter of April 2, 1903, in the case of Harriet Adkins.

On February 10, 1905, the Commission advised Sarah D. Willard, at #831 West Texas Street, Denison, Texas, Barbara A. Tissington, at Caney, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations, at South

McAlester, Indian Territory, that in accordance with departmental instructions of January 6, 1905, such evidence as the applicants or the nations desired to present in reference to the application of Sarah D. Willard, et al. for identification as Mississippi Choctaws, would be heard at the general office of the Commission at Muskogee, Indian Territory, on Tuesday, March 14, 1905, at nine o'clock A. M.

In reply to the notice to Mrs. Sarah D. Willard, she, on February 16, 1905, addressed a communication to the Commission in which she clearly intimated that it was not her intention to appear before the Commission or present any witnesses in reference to her right to identification as a Mississippi Choctaw at the time and place specified for the hearing in the Commission's letter of February 10th.

She was advised under date of March 2, 1905, that the Commission desired to make a report in this matter at the earliest practicable date, and insisted that she make every possible effort to have her case ready for presentation on March 14, 1905, and that if no further action was taken by her it would be concluded that she did not anticipate further prosecuting the claim.

The applicants originally relied upon their right to identification as Mississippi Choctaws upon the allegation that they were the descendants of one John Brown, Sr., grandfather of Sarah

D. Willard, and who, it was claimed, was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830.

Certain affidavits transmitted to the Department by Sarah D. Willard with her letter of December 14, 1902, allege that John Brown, Jr., the father of Sarah D. Willard, was a son of old John Brown, Sr., a Choctaw Indian, and that the said John Brown, Sr. was married to a daughter of Red Post Oak Chisa-homa , alias James Frazier. Upon this subsequent claim and the affidavits in support thereof, the Commission submitted a report to the Department on April 14, 1903, and expressed the opinion that the allegations set forth in the affidavits, when considered with the record theretofore made in the case, were not sufficient to warrant the granting of the rehearing asked for.

The Acting Commissioner of Indian Affairs in his report of January 19, 1905, transmits for the information of the Department copies of the depositions in the cases of Chisahoma, or Captain Red Post Oak, Molly Frazier, Charles Frazier, and Nancy Frazier, and states that while the Commission says in its letter that Chishahoma is shown by the records not to have had any children in 1830, the deposition submitted shows that he had four married children at that time, named Kan-con-tubbe, Low-a-chi, Hi-o-tona, and Cham-pa-tona, the three latter being females.

The Acting Commissioner of Indian Affairs with his report also transmits copies of other depositions in reference to Molly

Frazier, wife of James Frazier, and a Chi-o-hombe (or -hombe), who was an applicant for land under the 19th article of the Choctaw treaty of 1830, and whose sale of the SW/4 of section 26, township 15 north, range 15 east, was subsequently approved by the Department.

Reference is also made to Chishu-honer, a resident of Pushkhumkhee District, Tuscum County, Choctaw Nation, who emigrated in 1904, and to the printed record in the case of the Choctaw Nation against the United States before the Court of Claims, wherein the claim of Chishuhoma appears in Volume 1, pages 416, 608, 617, 618, 619, and 620.

From the papers transmitted with departmental letter of January 28th, it is apparent that this claimant has addressed a number of letters to the Department in reference to her right to identification as a Mississippi Choctaw. Since the refusal of her application by the Commission on May 15, 1902, she has continually, in the form of letters, recited facts which she alleges she would be able to prove if she was permitted a rehearing.

We believe from our knowledge of this woman, extending over the past two years, that she is unreliable and that little credence should be given to her statements.

We further believe that her discovery subsequent to her original application in 1900, that she was the descendant of Red Post Oak Chiss-hona, alias James Frazier, was instigated and fostered by some unscrupulous person who seeks to acquire possession of and title to a tract of land in the Choctaw Nation.

Her avowed intention to not appear before the Commission should, we believe, be considered as a surrender by her of any rights that she may have claimed as a Mississippi Choctaw. So far as we have been able to learn, she is physically able to appear before the Commission, and financially able to bear the expenses of presenting her witnesses if she has a tangible claim. The Commission receives letters from her, written from Denison, Texas, and Caney and Durant, Indian Territory.

It is doubtful if a field investigation would result in eliciting any material facts in reference to her claim, and as no action has been taken by her in conformity with our notice of February 10, 1905, the original record, together with the papers transmitted with departmental letter of January 26, 1905, are herewith returned. It is respectfully recommended that the decision of the Commission of May13, 1902, be adhered to and that the applicants in the case be held by the Department not to be entitled

to identification as Mississippi Choctaws.

Respectfully,

Chairman.

Commissioner.

Commissioner.

Through the Commissioner
of Indian Affairs.
MoM 15/1

M C R 50

Muskogee, Indian Territory, September 9, 1905.

Sarah D. Willard,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of August 5, 1905, by reference from the Secretary of the Interior.

Your attention is invited to letter from the Commission to the Five Civilized Tribes addressed to you at 831 West Texas Street, Denison, Texas, under date of March 2, 1905.

Respectfully,

Acting Commissioner.

M C R 29

Muskogee, Indian Territory, September 13, 1905.

Henry Byington,

Sadie, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 11th instant, stating that Mrs. Sarah D. Willard desires to know the status of her claim to citizenship in the Choctaw Nation as a Mississippi Choctaw Indian, which has been pending for some time, and that if her case is still open to receive any new evidence she might find, etc. You ask to be advised in regard to the matter as soon as possible.

It appears from the records of this office that on June 23, 1902, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered May 13, 1902, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Sarah D. Willard, et al.

On February 10, 1905, Sarah D. Willard was notified by the Commission to the Five Civilized Tribes that she would be allowed a rehearing in her case at the general office of the Commission at Muskogee, Indian Territory, on March 14, 1905.

Notwithstanding the fact that Mrs. Willard had for the past three years written numerous and exhaustive letters request-

ing a further hearing in her case in order that she might introduce additional testimony and evidence in support of her claim, she responded to the Commission's notice of February 10, 1905, by writing three letters, one from Denison, Texas, dated February 16, 1905, one from Durant, Indian territory, dated February 24, 1905, and one from Caddo, Indian territory, under date of February 27, 1905. In said letters she signified no intention whatever of taking advantage of an opportunity which she had for so long insisted be granted her, but on the contrary stated that on account of her physicial and financial condition she would be unable to make the trip to Muskogee; yet she was able to travel from Denison to Durant and Caddo.

Mrs. Willard is contending for valuable property rights in the Choctaw Nation and has since the submission of her original application for identification as a Mississippi Choctaw on June 14, 1900, now over five years ago, made numerous allegations in letters as to what she could prove relative to her rights, but neglected to submit her proof in the proper form and at the proper time and place.

The record in the Mississippi Choctaw case of Sarah D. Willard, et al., which was remanded to the Commission to the Five Civilized Tribes for further hearing, January 26, 1905, was returned to the Department on April 15, 1905, with the recommendation

that the Commission's decision of May 13, 1902, refusing the applicants be not disturbed.

You are advised that so far as this office is concerned, the case in question is closed, and we are without authority to receive or consider any further evidence in support thereof.

Respectfully,

Acting Commissioner.

Com'r No. 52525 J.W.H.

DEPARTMENT OF THE INTERIOR, FHE.
Washington.

I.T.D. 9079, 9407-1905. November 17, 1905.
9577,10037- "
11666- "

L. R. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

With its report of April 21, 1905, the Commission to the Five Civilized Tribes returned the record in the Mississippi Choctaw case of Sarah D. Willard, et al., which was remanded for further investigation by departmental letter of January 26, 1905.

From said report it appears that Mrs. Willard was advised on February 10, 1905, that she would be heard at the general office of the Commission at Muskogee on Tuesday, March 14, 1905. She failed, however, to appear within the time allowed her. In a letter since received from Mrs. Willard it is stated that this failure on her part was due to sickness, evidence of which she claims was furnished you by doctor's certificate. In the same letter she admits that she was not then in the possession of any new evidence. In various letters of recent date she sets forth at length, but not under oath, the names of a number of persons with whom her ancestors were closely associated. Such statements can not of course be accepted in lieu of the evidence

that should have been presented when the opportunity was offered.

Reporting in the matter September 8, 1905, the Indian Office concurred in the recommendation of the Commission that its decision of May 13, 1902, adverse to the applicants, be adhered to, and that they be held by the Department as not entitled to identification as Mississippi Choctaws. A copy of its letter is inclosed.

The Department concurs in these recommendations, and said decision of the Commission is hereby affirmed.

Respectfully,

THOS RYAN

First Assistant Secretary

1 inclosure.

C O P Y

DEPARTMENT OF THE INTERIOR, (COPY)

Land
34592 - 1905. Office of Indian Affairs,

Washington. September 8, 1905.

The Honorable

The Secretary of the Interior.

Sir:-

Permit me to invite your attention to letter of the Commission to the Five Civilized Tribes of April 21st, referring to the fact that under date of January 26, 1905 (I T D 3462-1902; 99, 177, 604-1905), the Department returned to the Commission the record of proceedings, together with the decision of the Commission of May 13, 1902, in the matter of the application of Sarah Williard, et al., and Barbara A. Tissington, et al., applicants for identification as Mississippi Choctaws, and a number of letters from Mrs. Sarah D. Willard of Denison, Texas, a copy of the report of this Office of January 19, 1905, and copies of certain depositions taken from the records of this Office. The Commission was in this letter directed to permit the applicants a rehearing and an opportunity to introduce additional testimony in conformity with the instructions contained in Departmental letter of April 2, 1903, in the case of Harriet Adkins.

The Commission reports that on February 10, 1905, it advised Sarah D. Willard, at 351 West Texas Street, Denison, Texas,

Barbara A. Tissington, at Caney, Indian Territory, and Mansfield, McMurray & Cornish, the attorneys for the Choctaw and Chickasaw Nations at South McAlester, Indian Territory, that in accordance with Departmental instructions of January 6, 1905, such evidence as the applicants or the nations desired to present in reference to the application of Sarah D. Willard, et al. for identification as Mississippi Choctaws, would be heard at the General Office of the Commission at Muskogee, on Tuesday, March 14, 1905, at nine o'clock A. M.

In reply to the notice to Mrs. Sarah D. Willard, she, on February 16, 1905, addressed a communication to the Commission in which she intimated that it was not her intention to appear before the Commission or present any witnesses in reference to her right to identification as a Mississippi Choctaw at the time and place specified for the hearing in the Commission's letter of February 10, 1905.

She was advised by the Commission, under date of March 2, that it desired to make a report in this matter at the earliest practicable date, and insisted that she make every possible effort to have her case ready for presentation on March 14, and that if no further action was taken by her it would be concluded that she did not anticipate further prosecuting their claim.

The Commission further says: The applicants originally claimed the right to identification as Mississippi Choctaws upon the allegation that they were the descendants of one John Brown,

Sr., grandfather of Sarah D. Willard, and who, it was claimed, was a recognized member of the Choctaw tribe of Indians in Mississippi in 1830.

Certain affidavits transmitted to the Department by Mrs. Willard with her letter of December 14, 1902, alleged that John Brown, Jr., her father, was a son of John Brown, Sr., a Choctaw Indian, and that John Brown, Sr. was married to a daughter of Red Post Oak Chisa-homa, alias James Frazier. Upon the subsequent claim and the affidavits in support thereof, the Commission submitted a report to the Department on April 14, 1903, and expressed the opinion that the allegations set forth in the affidavits, when considered with the record theretofore made in the case, were not sufficient to warrant the granting of the rehearing asked for.

Reference is made by the Commission to the fact that with the report of the Office of January 19, 1905, there was transmitted for the information of the Department copies of the depositions in the cases of Chishehoma, or Captain Red Post Oak, Molly Frazier, Charles Frazier, and Nancy Frazier, and it was stated that while the Commission said in its letter that Chishehoma is shown by the records not to have had any children in 1830, the deposition submitted shows that he had four married children at that time, named Kan-con-tubbe, Low-a-chi, Hi-o-tona, and Cham-pa-tona, the three latter being females.

The Office also transmitted copies of other depositions

in reference to Molly Frazier, wife of James Frazier, and a Chis-o-hamba (or -homba), who was an applicant for land under the 19th article of the Choctaw treaty of 1830, and whose sale of the SW/4 of section 23, township 15 north, range 13 east, was subsequently approved by the President.

Reference was also made to Chisha-homer, a resident of Puckshinnubbee District, Towson County, Choctaw Nation, who emigrated in 1846, and to the printed record in the case of the Choctaw Nation against the United States before the Court of Claims wherein the claim of Chishehoma appears in volume 1, at pages 316, 809, 817, 818, 819, and 822.

The Commission further says: From the papers transmitted with Departmental letter of January 26, it is apparent that the claimant, Sarah D. Willard, has addressed a number of letters to the Department in reference to her right to identification as a Mississippi Choctaw. Since the refusal of her application by the Commission on May 13, 1902, she has continually, in the form of letters, recited matters which she alleges she would be able to prove if she was permitted a rehearing.

The Commissioners believe from their knowledge of this woman, extending over two years, that she is unreliable and that little credence should be given to her statements.

They further believe that her discovery subsequent to her original application in 1900, that she was a descendant of Red Post

Oak Chisa-homa, alias James Frazier, was instigated and fostered by some unscrupulous person who seeks to acquire possession of a title to a tract of land in the Choctaw Nation.

Her avowed intention not to appear before the Commission should, they believe, be considered as a surrender by her of any rights she may have claimed as a Mississippi Choctaw. So far as they have been able to learn, she is physically able to appear before the Commission, and financially able to bear the expenses of presenting her witnesses if she has a tangible claim. The Commission has received letters from her written from Denison, Texas, and Caney and Durant, Indian Territory.

They further believe it is doubtful if a field investigation would result in eliciting any material facts in reference to her claim, and as no action has been taken by her in conformity with the Commission's notice of February 10, 1905, the original record, together with the papers transmitted with Departmental letter of January 26, 1905, are returned. They recommend that the decision of the Commission of May 13, 1902, be adhered to and that the applicants in the case be held by the Department not to be entitled to identification as Mississippi Choctaws.

In the report of this office of January 19, 1905, to which reference is made by the Commission, the Office stated that after an investigation of all the testimony submitted on behalf of Mrs. Willard, together with an examination of the records of this

Office, it was not satisfied that a case had been established which would entitle her to identification as a Mississippi Choctaw. On being accorded an opportunity to submit further evidence to strengthen her case, she has failed and refused to appear before the Commission and produce testimony that would strengthen the proof already submitted by her. It is my opinion that the proof as now before the Office is not of such a character as to entitle her to favorable action on her application, and I therefore recommend that all the applicants involved in this consolidated case be declared not entitled to identification as Mississippi Choctaws.

Very respectfully,

F. E. Leupp,

Commissioner.

EEH-WP

MCR 50

COPY

Muskogee, Indian Territory, November 29, 1905.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on November 17, 1905, the Secretary of the Interior re-affirmed the decision of the Commission to the Five Civilized Tribes of May 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Sarah D. Willard, et al.

A copy of Departmental letter of November 17th is enclosed .

Respectfully,

(Signed) Geo. D. Rodgers.

Acting Commissioner.

McM 44

MCR 50

COPY

Muskogee, Indian Territory, November 29, 1905.

Sarah D. Willard,

#831 West Texas Street,

Denison, Texas.

Dear Madam:

You are hereby notified that on November 17, 1905, the Secretary of the Interior re-affirmed the decision of the Commissio to the Five Civilized Tribes of May 13, 1902, refusing to identify as Mississippi Choctaws the several persons in the consolidated Mississippi Choctaw case of Sarah D. Willard, et al.

Respectfully,

(Signed) Geo. D. Rodgers

Acting Commissioner.

M C R 50

Muskogee, Indian Territory, May 19, 1906.

Sarah D. Willard,
#831 West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 15th instant, stating that you desire to file a motion for rehearing in your case in order that you may establish your claim as a citizen by blood of the Choctaw Nation instead of a Mississippi Choctaw. You make certain statements regarding your ancestors and ask to be advised relative to securing a reopening of your case.

In reply you are informed that your petition should be addressed to the Secretary of the Interior and filed in this office within sixty days from April 26, 1906. Said petition should be in the form of, or accompanied by, your affidavit, setting forth by what testimony you expect to establish your claim and containing the names of the witnesses who are expected to furnish the required testimony. You must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

M C R 50

Muskogee, Indian Territory, July 25, 1906.

Chas. E. McPherren,

Attorney at Law,

Caddo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledgedof your letter of June 23, 1906, enclosing petition for reconsideration of the consolidated Mississippi Choctaw case of Sarah D. Willard, et al. Said petition has this day been transmitted to the Secretary of the Interior.

Respectfully,

Commissioner.

M C R 50

Muskogee, Indian Territory, July 25, 1906.

Sarah D. Willard,

#831 West Texas Street,

Denison, Texas.

Dear Madam:

Referring to your letters of June 22nd, July 2nd and 5th, 1906, you are advised that the motion filed by Chas. E. McPherren under date of June 23, 1906, for a rehearing of your Mississippi Choctaw case, has this day been forwarded to the Secretary of the Interior.

Respectfully,

Commissioner.

M C R 50

Muskogee, Indian Territory, July 25, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the consolidated Mississippi Choctaw case of Sarah D. Willard, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of May 13, 1902, adverse to the applicants, was, on May 23, 1902, forwarded the Department.

The Department on June 23, 1902, affirmed the decision of said Commission refusing to identify as Mississippi Choctaws the persons in the above case.

January 26, 1905 (I T D 3462-1902; 99, 177, 604-1905), the record in the consolidated case of Sarah D. Willard, et al. was returned to the Commission to the Five Civilized Tribes in order that a further hearing might be had.

The applicants were duly notified of the Department's instructions and were given sufficient time within which to produce additional testimony in support of their claim. No appearance having been entered by or on behalf of the claimants within the time allowed, the record was returned to the Department under date of April 15, 1905.

November 17, 1906 (I T D 9079, 9407, 9577, 10037, 11666-1906), the Department reaffirmed the decision of the Commission to the Five Civilized Tribes rendered May 13, 1902.

June 25, 1906, this office received from Chas. E. McPherren, attorney at law, Caddo, Indian Territory, a petition signed Sarah D. Willard, praying that the case above mentioned be reopened and reconsidered, and that the applicants therein be enrolled as members by blood of the Choctaw tribe of Indians. The petition is herewith transmitted, but does not show proof of service upon the attorneys for the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner.

Through the Commissioner
of Indian Affairs.

McM 25/2

MGR-80

Muskogee, Indian Territory, October 15, 1906.

Mrs. Sadie D. Willard,
831 West Texas Street,
Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of September 26, 1906, by reference from the Secretary of the Interior. Therein you request to be advised relative to your rights to enrollment as a citizen of the Choctaw Nation.

July 25, 1906, this office forwarded to the Secretary of the Interior, for his consideration, a motion filed by Chas. N. McPherren, attorney at law, Caddo, Indian Territory, praying that you be enrolled as a member by blood of the Choctaw tribe of Indians. You will be duly notified of such action as may be taken by the Department on this motion.

Respectfully,

Commissioner.

W C R 50

Muskogee, Indian Territory, November 22, 1906.

Sarah D. Willard,

#831 West Texas Street,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 4, 1906, by reference from the Secretary of the Interior, relative to your application for citizenship in the Choctaw Nation.

It appears from the records of this office that there is a motion for reconsideration of your case now pending before the Department. When the same is passed upon, you will be notified of the action taken.

Respectfully,

Commissioner.

M C R 50

Muskogee, Indian Territory, December 5, 1906.

Sarah D. Willard,

#831 West Texas Street,

Denison, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of November 24th, in which you state it seems that your motion for rehearing has never been forwarded to the Secretary of the Interior, and request that the matter receive immediate attention.

As advised by this office on October 15th and November 22nd, 1906, the motion for reconsideration of your case was forwarded to the Secretary of the Interior July 25, 1906. If you desire to make further inquiry relative to the transmission of said motion to the Department, it is suggested that you address a communication relative to the matter to the Commissioner of Indian Affairs, Washington, D. C.

Respectfully,

Acting Commissioner.

DIRECT. W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.3324-1907. February 16, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 13, 1907 (Land 64407), the Indian Office transmitted your report, dated July 25, 1906, forwarding a petition for the reopening and reconsideration of the application of Sarah D. Willard, et al., for enrollment as Mississippi-Choctaws.

You state that said petition does not bear proof of service upon the attorneys for the Choctaw and Chickasaw nations.

The Indian Office states that the petition contains no allegation of newly discovered evidence and is not entitled to consideration. It recommends that the petition be denied.

In view of the act of April 26, 1906 (34 Stat., 137), even though the petition presented a prima facie case for re-opening, the Department would not be justified in ordering one at this time. Said petition is hereby denied.

A copy of Indian Office letter is enclosed, and the other papers in the case are returned for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 enclosure, and
50 enclosures to Ind. Of.
APMc
2-16-07.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land.
92400-1906.
64407-1906.

February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of July 25, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, concerning the consolidated Mississippi Choctaw case of Sarah D. Willard et al., wherein the adverse decision of the Commission to the Five Civilized Tribes was approved by the Department on November 17, 1905.

Mr. Bixby reports that on June 25, 1906, he received from Charles E. McPherren of Caddo, Indian Territory, an attorney at law, a petition signed by Sarah D. Willard, praying that the case above mentioned be reopened and reconsidered and that the applicants therein be enrolled as members by blood of the Choctaw tribe of Indians. The Commissioner transmits the petition and invites attention to the fact that it does not show proof of service on the attorneys for the Choctaw and Chickasaw Nations. However, it contains no allegation of newly discovered evidence, is not entitled to consideration, and it is recommended that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

KRE-Y.

DIRECT. W.H.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

I.T.D.3324-1907. February 16, 1907.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On February 13, 1907 (Land 64407), the Indian Office transmitted your report, dated July 25, 1906, forwarding a petition for the reopening and reconsideration of the application of Sarah D. Willard, et al., for enrollment as Mississippi-Choctaws.

You state that said petition does not bear proof of service upon the attorneys for the Choctaw and Chickasaw nations.

The Indian Office states that the petition contains no allegation of newly discovered evidence and is not entitled to consideration. It recommends that the petition be denied.

In view of the act of April 26, 1906 (34 Stat., 137), even though the petition presented a prima facie case for re-opening, the Department would not be justified in ordering one at this time. Said petition is hereby denied.

A copy of Indian Office letter is enclosed, and the other papers in the case are returned for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos Ryan
First Assistant Secretary.

1 enclosure, and
50 enclosures to Ind. Of.
AFMc
2-18-07.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

Land.
92400-1905.
64407-1906.

February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of July 25, 1906, from Tams Bixby, Commissioner to the Five Civilized Tribes, concerning the consolidated Mississippi Choctaw case of Sarah D. Willard et al., wherein the adverse decision of the Commission to the Five Civilized Tribes was approved by the Department on November 17, 1905.

Mr. Bixby reports that on June 25, 1906, he received from Charles E. McPherren of Caddo, Indian Territory, an attorney at law, a petition signed by Sarah D. Willard, praying that the case above mentioned be reopened and reconsidered and that the applicants therein be enrolled as members by blood of the Choctaw tribe of Indians. The Commissioner transmits the petition and invites attention to the fact that it does not show proof of service on the attorneys for the Choctaw and Chickasaw Nations. However, it contains no allegation of newly discovered evidence, is not entitled to consideration, and it is recommended that it be denied.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MBH-Y.

MUR-50

Muskogee, Indian Territory, March 7, 1907.

S. D. Willard,
631 West Texas Street,
Denison, Texas.

Dear Madam:-

Receipt is hereby acknowledged of your letter of February 3, 1907, addressed to the Secretary of the Interior and by him referred to this office for consideration and appropriate action. Therein you ask that your case be closed and that you be enrolled as a citizen of the Choctaw Nation.

In reply you are advised that on February 16, 1907, the Secretary of the Interior denied a petition, filed by Charles E. McPherren, attorney at law, Caddo, Indian Territory, praying for a reopening and reconsideration of the consolidated Mississippi Choctaw case of Sarah D. Willard et al.

Your case is now considered closed.

Respectfully,

Commissioner.

MCR-50

Muskogee, Indian Territory, March 7, 1907.

Charles E. McPherren,
Attorney at Law,
Gaddo, Indian Territory.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 16, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 13, 1907, denying the petition filed by you, June 25, 1906, for a reopening and reconsideration of the consolidated Mississippi Choctaw case of Sarah D. Willard et al.

Respectfully,

Commissioner.

WLM.
Encl. 7/1

MCR-50

Muskogee, Indian Territory, March 7, 1907.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of February 16, 1907 (I T D 3324-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 13, 1907 (Land 92400-1905,64407-1906), denying a petition filed by Charles E. McPherren, attorney at law, Caddo, Indian Territory, for a reopening and reconsideration of the consolidated Mississippi Choctaw case of Sarah D. Willard et al.

Respectfully,

Commissioner.

WLM.
Encl. 7/2

MCR-50

Muskogee, Indian Territory, April 2, 1907.

Sarah D. Willard,

631 West Texas Street,

Denison, Texas.

Dear Madam:-

Replying to your letters of February 12 and 25, 1907, and of March 2 and 8, 1907, your attention is invited to the following provision of the Act of Congress approved April 26, 1906:

"Provided, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Acting Commissioner.

M C R 50

Muskogee, Indian Territory, April 18, 1907.

Sarah D. Willard,
831 West Texas Street,
Denison, Texas.

Dear Madam:

Replying to your letter of the 10th instant you are informed that inasmuch as the rolls of citizenship of the Five Civilized Tribes were closed March 4, 1907, no action can now be taken upon your claim to enrollment as a Choctaw by blood.

Respectfully,

Commissioner.

708-1909

Muskogee, Oklahoma, January 13, 1909.

Mrs. Sarah D. Willard,

Denison, Texas,

Madam:

Receipt is hereby acknowledged of your letter of January 5, asking for the return of certain papers which you state you filed in the matter of your application for enrollment as a Choctaw by blood, and requesting to be informed what action is now being taken with reference to applicants whose rights are still pending.

In reply you are advised that it appears from the records of this office that you made application for the identification of yourself and your two children, Sadie A. and Lida Willard, as Mississippi Choctaws; on May 13, 1902 the Commission to the Five Civilized Tribes denied this application and on May 23, 1902 the record in the case, including such affidavits and other papers as were submitted by you in support of your claim, were transmitted to the Department. On June 23, 1902, the Secretary of the Interior approved the decision of the Commission, and if you now desire the return of any papers filed in your case it is suggested that you should communicate with the Department relative thereto.

Mrs G H P 2

You are further advised that the rolls of citizenship of the Five Civilized Tribes were closed on March 4, 1907, and prior to that date all applications which had been made to the Commission or the Commissioner to the Five Civilized Tribes for enrollment in any of said tribes were disposed of and this office is now without authority to receive or entertain any such applications for enrollment.

Since the date above mentioned there has been no further legislation relative to enrollment in the Five Civilized Tribes nor have I any information as to the probability of the re-opening of the rolls in the future.

Respectfully,

Acting Commissioner.

AB

Choc MCR 51 Thomas B. Crudup

See MCR 288

MCR 51

MISS.-CHOCTAW
ENROLLMENT

Thomas B. Crudup et, al.

REFUSED

Decision Rendered Jun 4 1902.

Notice of Decision Mailed Applicant. Jun 14 1902.

Notice of Decision Forwarded Attorney For Applicants Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. Jun 14 1902.

Record Forwarded Department. Jun 14 1902.

Action Approved By Secretary of Interior. Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorney For Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

Refer to M.C.R. 288.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Thomas Crudup for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Thomas Crudup/

Q How old are you? A Thirty-three.

Q Have ever you been on the rolls? A No sir.

Q Are your parents on the rolls? A No sir.

Q Where do you live? A Here in Durant.

Q How long have you been living here? A Twelve months.

Q When did you come here? A July a year ago.

Q Where did you come from? A Texas.

Q You were born and raised there? A Yes sir.

Com'r McKennon; Enrollment is refused.

Departm[illegible]t of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes

M D Green

MC-RV1

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of Thomas B. Crudup for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby he testifies as follows:

Q What is your name? A Thomas B. Crudup.
Q What is your age? A Thirty-four years of age.
Q What is your post-office address? A Davis, Indian Territory.
Q How long have you lived in Davis? A I have lived in Davis about two months.
Q How long have you lived in the Indian Territory? A About two years.
Q When did you first come to the Indian Territory? A This coming July will be two years.
Q Where did you come from? A From Texas.
Q How long had you lived in Texas? A All my life.
Q Were you born in Texas? A Yes sir.
Q Never lived in Mississippi did you? A No sir.
Q What is the name of your father? A His name was Hobert Crudup
Q Is he living? A No sir.
Q Was he a white man or a Choctaw Indian? A White man.
Q What is the name of your mother? A Mrs. Almadia White.
Q Wasn't her name Crudup? A It was Crudup at the time.
Q Is she living? A Yes sir.
Q What is she, a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw Indian blood did she claim to have?
A One-half.
Q Has her name ever been upon the Choctaw Tribal rolls? A No sir
Q Has she ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A No sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A Quarter.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Is this your first application? A Well, no.
Q When did you apply before? A In August ; last August.
Q Where? A At Durant.
Q Before this Commission? A Yes sir.
Q You didn't claim then to be a Mississippi Choctaw did you?
A Descendant of a Mississippi Choctaw.
Q Did you claim then to be a descendant of a Mississippi Choctaw?
A Yes sir.
Q It does not so appear in the record of the testimony taken at that time.
A That was my understanding; the petition was up in that way.
Q You simply claimed then to be a Choctaw, in the testimony at that time. A The question wasn't asked me whether I was a descendant or not.
Q You claim now to be a Mississippi Choctaw do you? A Descendant, yes sir.
Q Under which treaty do you claim? A Under no particular one.
Q You don't claim especially under the 14th article of the Treaty of Dancing Rabbit Creek? A N sir I did not.
Q Did you ever take advantage of the provisions of this article?
A No sir.
Q Did any of your ancestors? A No sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Are you married? A Yes sir.
Q Are you making any claim in behalf of your wife? A No sir.
Q Have you any children? A Yes sir.

Q Do you claim that they are Mississippi Choctaws? A Yes sir
Q Their claim has the same foundation as your own has it?
A Yes sir.
Q Are these children residing with you? A Yes sir.
Q Their residence always been the same as yours? A Yes sir.
Q What are their names and ages? A Mona M., she is ten; Roy, eight; Robert, six, Joseph, four, Rowena, two.
Q What is the name of your wife? A Maggie.
Q She living? A Yes sir.
Q Where did you marry her? A In Texas.
Q When? A In 1883.
Q Do you wish to offer your marriage license and certificate in evidence? A No sir.
Q Is there any additional statement you would like to make in regard to your case at this time? A Well, no, none that I know of, anymore than I have a brother that is a citizen; he is on the rolls; and I have aunts and uncles also that are on the rolls.
Q Are they on the rolls of the Tribe? A No.
Q They were admitted by a judgment of the United States Court
A Yes sir.
Q Have you any papers you would like to file with the Commission at this time? A

Affidavit of T. B. Crudup offered in evidence, marked Exhibit "A".)

The Commission is unable, fromthe evidence in this case, to identify you and your children as Mississippi Choctaws. The decision of the Commission, giving its reasons more fully for refusing to identify you and your children as Mississippi Choctaws will be furnished you in writing, through the mail.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

MEMORANDA.

(Date) June 14, 1900.

Name Thomas B. Crudup, (34) Davis, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes, (1/4) Mother's citizenship ..... (1/2)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, Maggie Crudup, (no)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
10. Mona	County	Year	Page	No.
8. Ray	County	Year	Page	No.
6. Robert	County	Year	Page	No.
4. Joseph	County	Year	Page	No.
2. Romena	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

R. L. Crudup, (father)
Almedia Crudup, (mother)

Muskogee, Indian Territory, September 5, 1901.

Mr. Thomas B. Grudup,

Davis, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mosella J.St.Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 7, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 14, 1900, and applied for the identification as Mississippi Choctaws of yourself and five minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

T.N.C. 62

such witnesses as you may desire to present in person, in support of your application.

Yours truly,

M.C. 51

Commissioner in Charge.

Miss. Choctaw 51

Muskogee, Indian Territory, March 27,1902.

Thomas B. Crudup,
Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of of Harry J. Crudup, infant son of Thomas B. and Maggie Crudup, born January 20,1902. The affidavits of the mother and the physician at the birth of this child have been accepted as evidence of its birth and have been filed with and made a part of the original application of Thomas B. Crudup for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

COPY. M C R 61

Muskogee, Indian Territory, June 14, 1902.

Thomas R. Crosby,

Davis, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ranchali C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Ranchali C. Barron, et al.,	MCR	[illegible]
Rosella J. McCoy, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John C. Taylor, et al.,	MCR	47
Mary Ann C. Smith,	MCR	48
Thomas R. Crosby, et al.,	MCR	51
Almonia Waite, et al.,	MCR	52
Rebecca J. Patterson, et al.,	MCR	53
Nellie Ely, et al.,	MCR	54
Albert Henry Patterson, et al.,	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	[illegible]
Bessie Taylor, et al.,	MCR	[illegible]
Anna Patterson, et al.,	MCR	[illegible]
Willie J. Spencer, et al.,	MCR	[illegible]
Charlie K. Cunningham,	MCR	[illegible]
Willie Bailey, et al.,	MCR	[illegible]
William C. Cunningham,	MCR	370
Almeda B. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudie Listoral, et al.,	MCR	[illegible]
Rhoella Peters, et al.,	MCR	[illegible]
Willie A. Malone, et al.,	MCR	[illegible]
Mary E. Courtney, et al.,	MCR	[illegible]

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronshali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mena M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Emma B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Theoford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy E. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused,

and it is so ordered.

It is the further opinion of the Commission that under the provisions of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 61

Muskogee, Indian Territory, November 22, 1902.

Thomas B. Crudup,

Davis, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronshali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Muskogee, Indian Territory, May 12, 1903.

Received of the Commission to the Five Civilized Tribes copies of testimony in the following applications for identification as Mississippi Choctaws:

Thomas B. Grudup,	M.C.R. 51
Mary Ann Weatherbee,	M.C.R. 490
Polly Farmer,	M.C.R. 4059
Sidney J. Cundiff,	M.C.R. 5014
[redacted]	[redacted]
Robert H. Mitchell,	M.C.R. 5663
John F. Spring,	M.C.R. 5253
Reuben H. Spring,	M.C.R. 5254

Mansfield, McMurray & Cornish,

Chac MCR 52 Almedia White

See MCR 288

MCR 52

R 52

MISS.-CHOCTAW

ENROLLMENT

Almedia White Et,al.

REFUSED

Decision Rendered. Jun 4 1902.

Notice of Decision Mailed Applicant. Jun 14 1902.

Notice of Decision Forwarded Attorney For Applicants. Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. Jun 14 1902.

Record Forwarded Department. Jun 14 1902.

Action Approved By Secretary of Interior. Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorney For Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

REFER TO M.C.R. 288.

R 52

Miscellaneous

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 14, 1900.

In the matter of the application of Almedia White for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Almedia White.
Q What is your age? A Sixty-eight.
Q What is your post-office address? A Davis.
Q How long have you lived in the Indian Territory? A Three years.
Q Where did you live before coming to the Indian Territory? A In Texas.
Q How long had you lived in Texas? A All my life.
Q Born in Texas? A Yes sir.
Q Ever live in Mississippi? A No sir.
Q What is the name of your father? A Thomas Borren.
Q Is he living? A No sir.
Q Was he a white man or a Choctaw Indian? A Half-breed Choctaw
Q Did his name ever apply upon the Choctaw Tribal rolls? A I couldn't tell you that.
Q Was he ever recognized by the Tribal authorities as a Choctaw Indian? A He was sheriff of Red River County; I couldn't tell you when, or nothing about that; some years ago.
Q Red River County in the Indian Territory or in Texas?
A I suppose it was in the Territory.
Q What is the name of your mother? A Elizabeth Cornall.
Q Is she living? A No sir.
Q Was she a white woman of a Choctaw Indian? A She was 1/8 Choctaw.
Q Was her name ever on the Choctaw rolls? A Not that I know of
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A Not that I know of.
Q What proportion of Choctaw blood do you claim to have?
A One-half.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever been recognized by the Choctaw Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A Yessir, I reckon I did; I come last summer to the Dawes Commission here, at Durant.
Q I am not talking about the Dawes Commission, I am asking you if you ever applied to the authorities of the Choctaw Tribe for enrollment? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q This is your first application to the Dawes Commission is it?
A No sir.
Q You applied in 1899, at what place? A At Durant.
Q You didn't claim then to be a Mississippi Choctaw did you?
A If I hadn't then I wouldn't now.
Acting Chairman Bixby: The testimony taken at that time shows that you did not apply as a Mississippi Choctaw, simply as a Choctaw Indian.
Q You claim now to be a Mississippi Choctaw do you? A Descendant
Q Under which treaty do you claim? A All of them.
Q All of the treaties? A Yes sir.
Q All the treaties that were ever made between the United States and the Choctaw Tribe? A Yes sir.
Q You don't base your claim, than, as I understand it, upon any particular article of any one treaty? A I don't know anything about the articles.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A I don't know, any-

thing about the artidles.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Are you married? A Yes sir.
Q Are you making any claim in behalf of your husband? A Nosir
Q Have you any children under twenty-one? A I have two.granddaughters at home, my children is all of age.
Q Your grandaughters are orphans are they? A Yes sir.
Q Do you wish to make a claim for them? A Yes sir.
Q What are their names? A Alice Petree.
Q How old? A Fifteenyears old. Ollie Petree, thirteen years old.
Q What is the name of the father of these children? A Robert P. Petree.
Q Is he livingor dead, is he dead? A Not that I know of.
Q Where is he? A I couldn't tell you, I haven't heard from him for two or three years.
Q How do you know these children are living? A They are with me.
Q Has their father abandoned them? A Yes sir.
Q What is the name of their mother? A Louisa Crudup was their mother's name.
Q Is the father or the mother your child? A Their mother is my daughter.
Q Is the mother dead? A Yes sir.
Q Were Mr. Petree and your daughter married under Choctaw law or United States law? A United States law.
Q Where were they married? A At Waco.
Q When? A I couldn't recollect the date.
Q Do you wish to offer their marriage license and certificate in evidence? A I haven't them.
Q Do you claim that these grand-children are Mississippi Choctaws the same as yourself? A Descendants, yes sir.
Q Their claim has the same foundation as your own hasit?
A I think so.
Q Is there any additional statement in regard to your case or the case of your children that you would like to make at this time?
A I don't know that there is, right at the present time.
Q Have you any papers you would like to file with this Commission?
A Yes sir.

A ffidavit of Almedia White offered in evidence, and placed on file, marked Exhibit"A".

The Commission is unable from the testimony in this case to identify either yourself or your grandchildren as Mississippi Choctaws. The decision of the Commission, giving its reasons infull for declining to identify you and your grandchildren asMississippi Choctaws will be furnished you in writing through the mails.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case,and that the above and foregoingis a full true and complete transcript ofhis stenographic notestaken in said case.

M D Green

Subscribed and sworn to before me this 2 day of June 1900.

[illegible] Chairman.

Commission to the Five Civilized Tribes,

Durant, Indian Territory,

In the application of Almeda White for enrollment as a Choctaw being sworn and examined by Com'r McKennon she testifies as follows

Q What is your name? A Almeda White.

Q How old are you? A Sixty-seven.

Q You are not on the Choctaw rolls are you? A No sir.

Q Never have been? A No sir.

Q Your father and mother ever been on the Choctaw rolls here in the Choctaw Nation? A I suppose my father was; he was sheriff

Q Where? A In Red River County, I think.

Q How long has he been dead? A Thirty-five or forty years.

Q You have been living here all this time? A No sir.

Q When did you come here? A Fourteen months ago.

Q What time? A In June.

Q What time in June? A First of June.

Q Where from? A Falls County, Texas.

Q How long had you been living in Texas? A All my life.

Q Born and raised there? A Yes sir.

Com'r McKennon: Your enrollment will be refused, as you are not on the rolls.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Muskogee, Indian Territory, September 18, 1900.

Bessie Mitchell,

Boughority, Indian Territory.

Dear Madam:-

Since notifying you on August 18, 1900, of the protest filed by the Choctaw Nation to your enrollment as a citizen of the Choctaw Nation, the Commission has been furnished by the Nation with the grounds upon which objection is made to your enrollment. The objection raised is, that you have not complied with the Choctaw intermarriage law.

The Commission is in possession of a sufficient statement of facts upon which a decision may be rendered and in your case it will not be necessary for you to appear at the appointment at Atoka beginning December 3rd, 1900.

The Commission will accept and consider any written arguments on questions of law submitted on behalf of the Choctaw Nation at any time prior to December 3rd, 1900, and on your behalf at any time prior to March 1st, 1901.

As soon thereafter as practicable the Commission will consider and finally determine your right to enrollment and the decision of the Commission, stating fully its reasons for any action that may be taken, will be mailed to you.

Yours truly,

Acting Chairman.

T-D-330.

Muskogee, Indian Territory, September 5, 1901.

Almedia White,

Davis, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mozella J. St.Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 7, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 14, 1900, and applied for the identification as Mississippi Choctaws of yourself and two minor grand-children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

A.W. #2

such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 52

Commissioner in Charge.

COPY. M C R 88

Muskogee, Indian Territory, June 24, 1903.

Almedia White,

Davis, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ronchali C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Ronchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Tayler, et al.,	MCR	45
Cornelius B. Tayler,	MCR	46
John H. Tayler, et al.,	MCR	47
Mary Ann C. Smith,	MCR	48
Thomas B. Crosby, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca V. Patterson, et al.,	MCR	53
Celia Wix, et al.,	MCR	54
Robert Henry Patterson, et al.	MCR	57
Nellie Davis, et al.,	MCR	58
Fred H. Patterson, et al.,	MCR	59
Dessie Tayler, et al.,	MCR	362
Anna Patterson, et al.,	MCR	363
Delia J. Spencer, et al.,	MCR	364
Charlie H. Cunningham,	MCR	367
Ellis Wheley, et al.,	MCR	368
William C. Cunningham,	MCR	370
Alameda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudia Litteral, et al.,	MCR	1358
Mozella Petree, et al.,	MCR	1360
Willie A. Malone, et al.,	MCR	1361
Mary E. Courtney, et al.,	MCR	5220

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Renchali C. Barren, Hamlet Barren, Mary A. Barren, Mozella J. St Cyr, Alva W. St Cyr, Ben C. St Cyr, Moda B. St Cyr, Mozella V. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Tayler, William D. Tayler, Thomas Jefferson Tayler, Cornelius B. Tayler, John H. Tayler, Everett Tayler, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monen Patterson, George G. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Colin Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Ellen A. Davis, Mary L. Davis, Ruby V. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Bessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James H. Patterson, Thomas L. Patterson, Willie V. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie H. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond H. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Roma B. Cunningham, Claudie Litteral, Carrie Litteral, Ben Litteral Katie Litteral, Nellie Litteral, Wheatford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Willie A. Malone, Ray B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Tayler for her husband Cornelius Tayler, and the application made by John H. Tayler for his wife Dora Tayler, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record di this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). T. B. Needles.

Commissioner in Charge.

Registered.

M.C.R. 52

Muskogee, Indian Territory, November 22, 1902.

Almedia White,

Davis, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

MEMORANDA.

(Date) June 14, 1900.

Name Almedia White, (68) Davis, I.T.

Choctaw? Miss County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes. (1/2) Mother's citizenship Choc. (1/8)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? Robt. P. Petree (father)

License filed this day Louisa Crudup, (mother) Dead

Names of children:

15. Alice Petree,	County	Year	Page	No. .....
13. Ollie Petree.	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....
	County	Year	Page	No. .....

(Granddaughter)

(Granddaughter)

Thomas Barrett, (father)
Elizabeth Carnell, (mother)

Choc MCR 53 Rebecca T. Parrerson

Refused

See MCR 288

MCR 53

MISS.-CHOCTAW

ENROLLMENT

Rebecca T. Patterson et,al.

REFUSED

Decision Rendered. Jun 4 1902.

Notice of Decision Mailed Applicant.

Jun 14 1902.

Notice of Decision Forwarded Attorney For Applicants. Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw And Chickasaw Nations. Jun 14 1902.

Record Forwarded Department. Jun 14 1902.

Action ApprovedBy Secretary of Interior. Nov 8 1902.

Notice of Departmental Action Forwarded Applicant. Nov 22 1902.

Notice of Departmental Action Forwarded Attorney for Applicant.

Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

REFER TO M.C.R. 288.

MC-R53

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

In the matter of the application of Rebecca T. Patterson for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Rebecca T. Patterson.
Q What is your age? A Forty-four.
Q What is your post-office address? A Davis Indian Territory.
Q How long have you lived in the Indian Territory? A Two years
Q Where did you come from to the Indian Territory? A Texas.
Q How long had you lived in Texas? A I was born and raised there
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A Robert Crudup.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A White man.
Q What is the name of your mother? A Almdeia White.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw Indian blood does she claim to have?
A One-half.
Q Has her name ever appeared upon the Tribal rolls of the Choctaw Nation? A No sir.
Q Has she ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A One-fourth.
Q Has your name ever been upon the Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir. I have three auhts and an uncle and a brother on; my brother votes with the Choctaws.
Q Were they recognized by the Tribal authorities or by the United States Court? A I couldn't tell you.
Q Don't you know they were admitted to citizenship by a judgment of the United States Court? A No sir.
Q You don't know? A I know they were by the Indian courts.
Q When was it? A I couldn't tell you what year it was.
Q What are their names? A Robert Crudup.
Note: Tribal rolls examined, and the name of Robert Crudup not found.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q Tjis your first application? A Yes sir.
Well, I was at McAlester last summer.
Q You applied to the Dawes Commission last summer did you not?
A Yes sir.
Q Did you claim then to be a Mississippi Choctaw? A Yes sir.
Acting Chairman Bixby: From the testimony taken at McAlester it appears that Rebecca Patterson did not claim to be a Mississippi Choctaw at that time.
Q You claim now to be a Mississippi Choctaw do you? A Yessir
Q Under what treaty do you claim? A Under all the treaties.
Q Under all the treaties ever made between the Choctaw Nation and the Government of the United States? A Yes sir.
Q You don't claim anything, do you, under the Treaty of 1897?
A I don't know, I don't know anything about it.
Q What makes you think you claim under all the treaties?
A Because I am a Mississippi Choctaw, or a descendant of a Mississippi Choctaw.
Q You don't claim under any treaties that do not refer to Mississippi Choctaws do you? A I claim under all the treaties.
Q You don't base your claim then, if I understand you correctly, upon any one article of any of these treaties? A No sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.

Q Did any of your ancestors ever take advantage of the provisions of this article? A No sir.
Q Did you or any of your ancestors ever claim or receive any land asbeneficiaries under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Are you married? A Yes sir.
Q Making any claim in behalf of your husband? A No sir.
Q Have you any children under twenty-one? A Yes sir.
Q You claim that they are Mississippi Choctaws? A I claim they are descendants of Miasissippi Choctaws.
Q Has their residence always been the same as your own? A Yes sir.
Q What is the name of your husband? A John H. Patterson.
Q When were you married to him? A In 1871.
Q Where? A Waco Texas.
Q Do you wish to offer your marriage license and certificate in evidence? A No sir.
Q Give us the names and ages of these children? A Eddie Monon, Patterson, twenty; George O. Patterson, fourteen; Hilliard H. Patterson, ten; Clarence C. Patterson, five; Howard T. Patterson, three.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
Q Do you wish to offer any papers? A My lawyer will attend to that.
Q You don't wish to offer any at this time? A No sir.

The Commissionis unable from the testimony in this case to identify either you or your children as Mississippi Choctaws. The decision of the Commission, givingin full its reasons for refusing to identify you and your children as Mississippi Choctaws, will be furnished you in writing, mailed to your present address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribeshe reported the foregoing case, and that the above and foregoingis a full true and complete transcript ofhis stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 3 day of June 1900.

Acting Chairman.

Commission to the Five Civilized Tribes,

Bobby McAlester, Indian Ter.

In the application of Rebecca Patterson for enrollment as a Choctaw; being sworn and examined by Com'r McDonnon she states:

Q What is your name? A Rebecca Patterson.

Q How old are you? A Forty-two.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been? A No sir.

Q Where do you live? A Near Wynnewood.

Q When did you come to the Territory? A Either the 27th or the 7th of last August, a year ago.

Q Where from? A From Texas.

Q You were born and raised in Texas? A Yes sir.

Q Never lived in the Territory before? A No sir.

Com'r McDonnon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify that I am a duly appointed and qualified stenographer to the Commission to the Five Civilized Tribes and that this transcript is a true and correct transcription of my stenographic notes.

[illegible]

Muskogee, Indian Territory, September 5, 1901.

Rebecca T. Patterson,

Davis, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mozella J.St. Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 7, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 14, 1900, and applied for the identification as Mississippi Choctaws of yourself and five minor children, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

R.T.P. #2

such witnesses as you may desire to present in person in support of your application.

Yours truly,

Commissioner in Charge.

M.C. 53

COPY.

M C R 53

Muskogee, Indian Territory, June 14,1902.

Rebecca T. Patterson,

Davis, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ronchali C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Ronchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John H. Taylor, et al.,	MCR	47
Mary Ann O. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	59
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie N. Cunningham,	MCR	367
Ellis Neeley, et al.,	MCR	368
William C. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudie Litteral, et al.,	MCR	1356
Mozella Petree, et al.,	MCR	1360
Willie A. Malone, et al.,	MCR	1361
Mary E. Courtney, et al.,	MCR	8220

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Tayler, William D. Tayler, Thomas Jefferson Tayler, Cornelius B. Tayler, John H. Tayler, Everett Tayler, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Menon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Otheile Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie V. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Mona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Willie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

R.T.P.----3.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John E. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Maxwell.

Commissioner in Charge.

Registered.

M.C.R. 83

Muskogee, Indian Territory, November 22, 1902.

Rebecca T. Patterson,

Davis, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

(SIGNED)

Tams Bixby

Acting Chairman.

MEMORANDA.

(Date) June 14, 1900.

Name Rebecca C Patterson (4A) Davis, I.T.

Choctaw? Miss. County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (1/4) Mother's citizenship CHOCTAW. (1/2)

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

~~Wife~~ (Husband) John H. Patterson.

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
20. Eddie M.	County	Year	Page	No.
14. George O.	County	Year	Page	No.
10. Filiard	County	Year	Page	No.
5. Clarence C.	County	Year	Page	No.
3. Howard J.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Robert Crudup, (father)
Almetta White, (mother)

"

Choc MCR 54 Celia NNX

refused

See MCR 288

MCR 54

MISS.-CHOCTAW

ENROLLMENT

Celia Nix Et,al.

REFUSED

Decision Rendered. Jun 4 1902.

Notice of Decision Mailed Applicant. Jun 14 1902.

Notice of Decision Forwarded Attorneys For Applicants Jun 14 1902.

Notice of Decision Mailed Attorneys For Choctaw And Chickasaw Nations. Jun 14 1902.

Record Forwarded Department. Jun 14 1902

Action Approved By Secretary of Interior Nov 8 1902.

Notice of DepartmentalAction Forwarded Applicant Nov 22 1902.

Notice of Departmental Action Forwarded Attorney For Applicant Nov 22 1902.

Notice of Departmental Action Forwarded Attorneys For Choctaw And Chickasaw Nations. Nov 22 1902.

REFER TO M.C.R. ~~255~~.

MC-1854

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 14, 1900.

****

In the matter of the application of Celia Nix for the enrollment of herself and her children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Celia Nix.
Q How old are you? A I am 27.
Q What is your post office address? A Davis, I. T.
Q How long have you lived in the Indian Territory? A 2 1/2 years
Q When did you come to the Indian Territory, and where did you come from? A I came from Texas.
Q How long did you live in Texas? A All my life.
Q Were you born there? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A James Patterson.
Q Is he living? A No, sir.
Q Was he a white man? A Yes, sir.
Q What was the name of your mother? A Almeda Barron.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian? A She is a half, yes, sir.
Q Has her name ever been on the Choctaw Tribal rolls? A No, sir
Q Has she ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q What proportion of Choctaw blood do you claim to have? A 1/4.
Q Has your name ever appeared upon the Choctaw Tribal rolls?
A No, sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Did you ever applyto the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Dawes Commission in 1896? A No, sir
Q Is this your first application? A Yes, sir.
Q Didn't you apply to the Commission in 1898? A No, I don't think I did.
Q Didn't you apply to the Commission at South McAlester in 1898?
A Yes, sir.
Q You didn't claim then to be a Mississippi Choctaw, did you?
A Yes, I claimed to be a Mississippi Choctaw.
Q You didn't say so to the Commission at that time; have you learned since you appeared before the Commission in South McAlester that you were a Mississippi Choctaw? A Did I say positive that I appeared in 1898?
Q No, but there is no doubt but what you did, is there? Can't you remember? A No, I didn't.
Q Do you know of any other Celia Nix? A No, sir.
Q Did you appear before the Dawes Commission in 1899? A Yes, sir.
Q -Why didn't you make that explanation? A You asked me the question, and I told you I didn't think that I did.
Q You told me this was your first application, too, now you know that you did apply before? A Yes.
Q -Why didn't you say so? When you applied to the Commission at South McAlester in 1899 you didn't claim to be a Mississippi Choctaw, did you? A I did.
Q The record doesn't show it. Did you say at that time that you were a descendant of a Mississippi Choctaw? A I said I was a Choctaw Indian.
Q But you didn't claim to be a Mississippi Choctaw, did you?
A I don't think that I did give it in that way.
Q You have discovered since that time then that you are a Mississippi Choctaw, have you? A I am a Mississippi Choctaw.
Q I asked if you have discovered since 1899 when you made the application to the Dawes Commission at South McAlester that you are a

Mississippi Choctaw? A Yes, sir.

Q Under which treaty do,you claim? A I don't know.

Q What makes you think you are a Mississippi Choctaw then?

A I don't know that I can answer that question, I have proof that I am, my mother was a Mississippi Choctaw, my grandfather was a Mississippi Choctaw.

Q You are not claiming then under any one article of any of the treaties? A I know nothing about the articles.

Q Upon what do you base your claim, simply that you have got Choctaw blood in your veins, is that it? A Yes, sir, I have.

Q You don't base your claim upon the fact that you have ever taken advantage of the provisions of any particular article in any one of the treaties between the Choctaw Nation and the United States? A No, I don't think that I have.

Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.

Q Are you married? A Yes, sir.

Q Are you claiming any rights for your husband? A Yes, sir.

Q Have you got any children? A Yes, sir, I have.

Q What is the name of your husband? A Daniel Nix.

Q Is he a white man? A Yes, sir.

Q Where did you marry him? A In Waco, Texas.

Q When? A In 1889.

Q Do you wish to offer your marriage license and certificate in evidence? A No, sir.

Q You claim that your children are also Mississippi Choctaws, do you? A Yes, sir.

Q Has their residence always been the same as yours? A Yes, sir

Q The foundation of their claim is the same as your own, is it?

A Yes, sir, the same as my own.

Q Is there any additional statement that you would like to make at this time? A No, sir.

Q Have you any papers you desire to file with the Commission?

A Not now I haven't.

Q Please give the names and ages of your children? A Charles Natcher is 8, Verna is 6, Clayton is 3, Corene is 1.

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission showing more filly why it cannot identify you and your children as Mississippi Choctaws will be furnished you in writing and mailed to,your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

South McAlester, Indian Ter

In the enrollment of Celia Nix as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Celia Nix.

Q How old are you? A Twenty-six.

Q Are you on the choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your father and mother ever been on the Rolls here?

A No sir.

Q Where do you live? A At Davis.

Q How long have you been living in the Chickasaw ~~Nxxxxx~~ Nation?

A One year and a half.

Q Where did you come from? A Texas.

Q When? A On the 15th day of February 1898.

Q You were born and raised in Texas? A Yes sir.

Q You never lived in the Territory until you came then? A Nosir

Com'r McKennon: Enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to the above named Commission, that this transcript is a true and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Celia Nix for identification as Mississippi Choctaws of herself and her four minor children.

The applicant, Celia Nix, appeared before the Commission at Colbert, Indian Territory, June 14, 1900, and from her oral testimony given at that time in behalf of her claim for identification of herself and four minor children as Mississippi Choctaws.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Celia Nix, on her own behalf and on behalf of her minor children, Charles H., Verna, Clayton and Corene Nix, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 4th, 1900.

Muskogee, Indian Territory, September 5, 1901.

Celia Nix,

Davis, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and four minor children, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 54 ~~[illegible]~~

Commissioner in Charge.

COPY. E C N 54

Muskogee, Indian Territory, June 14, 1908.

Colin Rix,

Durin, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Randall C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Randall C. Barron, et al.,	MCR	303
Mandie J. [illegible], et al.,	MCR	44
Wilson [illegible] Parker, et al.,	MCR	45
Cornelius [illegible] Parker,	MCR	46
John [illegible] Parker, et al.,	MCR	47
Mary Ann C. [illegible],	MCR	49
Thomas [illegible],	MCR	51
Lincoln [illegible], et al.,	MCR	52
Rebecca [illegible] Patterson, et al.,	MCR	53
Colin [illegible], et al.,	MCR	54
Robert [illegible] Patterson, et al.,	MCR	57
Willie [illegible], et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	59
Dennis Bailey, et al.,	MCR	363
Anna M. Clarkson, et al.,	MCR	363
Julia J. Spencer, et al.,	MCR	364
Charlie N. Cunningham,	MCR	367
Ellis Bailey, et al.,	MCR	368
William G. Cunningham,	MCR	370
Alonzo B. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Charlie Pittman, et al.,	MCR	1364
Mandie Pittman, et al.,	MCR	1365
William A. Malone, et al.,	MCR	1367
Mary E. Gurney, et al.,	MCR	1369

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronshali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John H.Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B. Crudup, Mona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monen Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Cerene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Bessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Dela J. Spencer, Herbert Spencer, Charles E. Cunningham, Willie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Mona B. Cunningham, Claudie Litteral, Carrie Litteral, Ben Litteral Katie Litteral, Hallie Litteral, Theoford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Willie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Mona M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

C.N.-----2.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Registered. Commissioner in Charge.

COPY

M.C.R. 54

Muskogee, Indian Territory, November 22, 1902.

Celia Nix,

Davis, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

(SIGNED)

Acting Chairman.

Celia Nix et al

vs.

Choctaw Nation

Miss. Choc.

Case No. R54

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec. 3rd 1900

R. # 54.

Evidence:

Claims for husband as an intermarried citizen. "Charles Hatcher"

Jgdmt:

Husband's name omitted from Judgment. "Charles H."

Also omitted from Card.

R. MANGELSDORF.

MEMORANDA.

Name Celia Noix, (27) (Date) June 14, 1900. Davis, I.T.

Choctaw? Miss County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes (1/4) Mother's citizenship CHOCTAW. (1/2)

Intermarried citizen?

Married under what law?

License filed this day,

~~Wife's name,~~ (Husband) Daniel Nix, (no)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
9. Charles H.	County	Year	Page	No.
6. Verna,	County	Year	Page	No.
3. Clayton,	County	Year	Page	No.
1. Corine	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

James Patterson, (father)
Almeta Barress, (mother)

MISSISSIPPI CHOCTAW

REJECTED

Celia Nix et al

Judgment reversed

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

ACTING CHAIRMAN.

In Choctaw Card [illegible]

61036

Indian Office.

Ind. No. 67

1900

Choc MCR 55 Eliza Waggoner

refused

See MCR 3167

MCR 55

MISS.-CHOCTAW

ENROLLMENT

Eliza Waggorer et, al

M.C. R. 55

REFUSED.

Decision Rendered May 13 1802.

Notice of Decision Mailed Applicant. May 21 1902.

Notice of Decision Forwarded Attorney For Applicants. May 21 1902.

Notice of Decision Mailed Attorneys For Choctaw And Chickasaw Nations. May 21 1902.

Record Forwarded Department May 21 1902

Action Approved By Secretary of Interior. Nov 22 1902.

Notice of Departmental Action Forwarded Applicant. Dec 5 1902.

Notice Of Departmentl Action Forwarded Attorney For Applicant. Dec 5 1902.

Notice of DepartmentalAction Forwarded Attorneys For Choctaw And Chickasaw Nations. Dec 5 1902.

REFER TO M.C.R.3167.

7MC-RJV

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

++++++++++++

In the matter of the application of Eliza Waggoner for the enrollment of herself and children as Mississippi Choctaws, and for the enrollment of her husband as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Eliza Waggoner.
Q How old are you? A 28.
Q What is your post office address? A Fox, I. T.
Q How long have you lived in the Indian Territory? A 17 years.
Q Where did you live before that? A In Illinois.
Q Were you born in Illinois? A No, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A Al Christian.
Q Is he living? A No, sir.
Q Was he an Indian or a white man? A He was Indian.
Q What proportion of Choctaw Indian blood did he claim to have?
A Half.
Q Was his name ever on the Choctaw Tribal rolls? A Yes, sir.
Q How do you know; did you ever see his name on the Tribal rolls?
A No, sir.
Q Was he ever recognized by the Tribal authorities of the Choctaw Nation as a Choctaw Indian? A No, sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A 1/4.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir
Q Were you ever ~~admitted~~ recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1898? A No, sir.
Q Is this your first application? A Yes, sir.
Q Are you married? A Yes, sir.
Q Do you make any application on behalf of your husband? A Yes, sir.
Q What do you think he is? A An intermarried Mississippi Choctaw.
Q What is his name? A Chas. Waggoner.
Q How old is he? A 24.
Q What is the name of his father? A Jim Waggoner.
Q Is he living? A No, sir.
Q What is the name of his mother? A His mother was named Waggoner, I don't know her other name.
Q Is she living? A No, sir.
Q Your husband is a white man? A Yes, sir.
Q Under what law did you marry him? A In the nation.
Q Under the United States law or the Indian law? A United States law.
Q When was it? A We have been married 7 years.
Q Where did you marry her? A In Texas.
Q Have you got your marriage license and certificate with you?
A No, sir.
Q Have you got any children? A Yes, sir.
Q Are they Mississippi Choctaws? A Yes, sir.
Q What are their names and ages? A Bertha May Belle, born April 18, 1895, Ollie Lee, born August 18, 1896.
Q These children are living with you, of course? A Yes, sir.
Q Their claim is based upon the same foundation as your own?
A Yes, sir.
Q You are a Mississippi Choctaw? A Yes, sir.
Q Under which treaty do you claim? A I disremember.

Mina Waggoner - 2.

Q You don't claim under any particular treaty then? A No, sir, the Choctaw.

Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.

Q Did any of your ancestors ever take advantage of the provisions of this article? A No, sir.

Q Did you ever claim any land on account of the provisions of this 14th article of the Treaty of 1830? A No, sir.

Q Is there any additional statement you would like to make in regard to your case at this time? A No, sir.

Q Are there any papers you would like to file? A No, sir.

Q You haven't any papers? A No, sir.

The Commission is unable from the testimony in this case to, identify you and your children as Mississippi Choctaws, or your husband as an intermarried Mississippi Choctaw.

The decision of the Commission in regard to your application, showing more fully why it can't identify you and your family as Mississippi Choctaws, will be furnished you in writing and mailed to you at your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commission.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Waggoner for identification as Mississippi Choctaws of herself and two minor children and of her husband as an intermarried Mississippi Choctaw.

The application, Eliza Waggoner, appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and from her oral testimony given at that time on behalf of her claim for identification as Mississippi Choctaws of herself and two minor children and her husband as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any wayof the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Eliza Waggoner and her two minor children, Bertha M. and Ollie Lee Waggoner, and of her husband, Charles P. Waggoner, as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 14, 1900.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND. T.
JAN 24
7 30 PM
1898

FORWARDED

Unclaime

Eliza Waggoner,
Fox,
~~Indian Territory.~~

MbR 55

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1902.

Eliza Waggoner,

Fox, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor children, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, March 4, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

Acting Chairman.

M.C. 55

Reg 238/228

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED, MAY 28 1902, MUSKOGEE, IND. TER.

REGISTERED, JUN 30 1902, CADDO, IND. TER.

7834

Eliza Waggoner,

~~Caddo,~~

~~Indian Territory.~~

COMMISSIONERS.
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
M C R 55.

Muskogee, Indian Territory, May 21, 1902.

Eliza Waggoner,

Caddo, Indian Territory.

Dear Madam:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jonas Harvey Christian, et al., embracing the following applications for identification as Mississippi Choctaws:

Jonas Harvey Christian, et al.,	M C R 3187
Eliza Waggoner, et al.,	M C R 55
G. W. Christian, et al.,	M C R 56
Peter Christian, et al.,	M C R 3643
Mary Elizabeth Kennedy, et all,	M C R 4903
Myrtle Sudderfield,	M C R 1463

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898,(30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Jonas Harvey Christian, Charles Wesley Christian, Thomas Milton Christian, Enos Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James M. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P.Christian, Sarah G. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Myrtle Sudderfield, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza Waggoner for the identification of her husband, Chas. Waggoner, and the application made by G.W.Christian for the identification of his wife, Elizabeth Christian, as intermarried Mississippi Choctaws, should thererfore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Registered.

CADDO
DEC
29
1900

UNCLAIMED

Eliza Waggoner,

~~Caddo,~~

~~Indian Territory.~~

Department of the Inte[illegible]
[illegible] to the Five Civilized Tri[illegible]
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty [illegible] 3928.

40 C.B.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 55.

Muskogee, Indian Territory, December 5, 1902.

Eliza Waggoner,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jonas Harvey Christian, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Acting Chairman.

Eliza Haggmer et al

vs.

Choctaw Nation

Miss. Choc. Case No. R55

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd 1900

REFUSED.

JUN 15 1906

MEMORANDA.

(Date) June 15, 1900

Name Eliza Waggoner

Choctaw ? Miss. County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes, (1/2) Mother's citizenship (N.S)

Intermarried citizen ?

Married under what law ?

License filed this day,

~~Wife's name~~ (Husband)

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

	County	Year	Page	No.
5. Bertha May Belle	County 1895	Year	Page	No.
2. Ollie Lee	County 1898.	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Al Christian, (father) (1/2)

[illegible] CHOCTAW. 55

REFUSED.

Eliza Waggoner et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

ACTING CHAIRMAN.

REFER TO M. C. R. 3167

12

61036	Indian Office. Incl. No. 60	1900

Amended 7/10/01

choc mcR 56 G. W. Christian

Refused

See mcR 3167

mcR 56

R 56

MISS.-CHOCTAW

ENROLLMENT

G. W. Christian et.at.

REFUSED

Decision Rendered Mey 13 1902.

Notice Of Decision Mailed Applicant May 21 1902.

Notice of Decision Forwarded Attorney For Applicants. May 21 1902.

Notice of Decision Mailed Attorneys For Choctaw and Chickasaw Nations. May 21 1902.

Record Forwarded Department. May 21 1902.

REFER TO M.C.R. 3167.

R 56

MC-R-V-6

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of the application of G. W. Christian for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A G. W. Christian.
Q What is your age? A 47.
Q What is your post office address? A Purcell, I. T.
Q How long have you lived at Purcell? A 3 years.

Q Where do you live? A Just across the river from Purcell.
Q How long have you been living over there? A 3 years, you didn't ask me where I lived, you asked me my post office.
Q As a matter of fact, you have been living in Oklahoma for the past two years, isn't it? A Yes, sir.
Q Where did you live before that? A In the Chickasaw Nation at Durant, at different places ever since 1877.
Q Where did you live before that? A Illinois.
Q Were yourborn in Illinois? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A J. A. Christian.
Q Is he living? A No, sir.
Q Was he a white man or a Choctaw Indian? A He was an Indian.
Q What proportion of indian blood did he claim to have? A 1/2.
Q Was his name ever on the Tribal rolls of the Choctaw Nation?
A No, sir, not that I know of.
Q Was he ever recognized by the Tribal authorities as a Choctaw indian? A Not that I know of.
Q What was the name of your mother? A Millie.
Q Is she living? A No, sir, she is dead.
Q Was she a white woman? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have? A About 1/4.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q You claim to be a Mississippi Choctaw, do you? A Yes, sir'
Q Under which treaty do you claim? A The 14th article of the treaty of 1830.
Q Do you claim under the 15th article of the treaty of 1830?
A Yes, sir.
Q Do you claim also under the 19th? A From the provisions from the 14th to the present, I suppose they would be about the same.
Q You don't claim exclusively under the 14th article of the Treaty of 1830? A Yes, sir.
Q You said you claimed under all the articles? A From the 14.
Q Do you claim exclusively under the 14th, or do you claim under the 14th and all the other treaties? A Under all of them.
Q What articles do you claim under? A The 14th.
Q And what else? A And all that has been since then.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q Did any of your ancestors? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty

of 1850? A I never did, and as to my parents, I can't say.
Q Are you married? A Yes, sir.
Q Are you making any claim for your wife? A Yes, sir.
Q Was she an intermarried Mississippi Choctaw? A Yes, sir.
Q Did you marry her under indian law? A No, sir.
Q Where did you marry her? A In Cook County, Texas; I was living there at the time in 1877.
Q Have you got your marriage license and certificate with you?
A No, sir.
Q What is her name? A Elizabeth.
Q What is her age? A 37.
Q What is her father's name? A Marion Stubblefield.
Q What is the name of her mother? A Mary Stubblefield.
Q Is she living? A Yes, sir.
Q Your wife is a white woman? A Yes, sir.
Q Have you got any children? A Yes, sir.
Q Their claim has the same foundation as your own? A Yes, sir.
Q Do they live with you? A Yes, sir.
Q What are their names and ages? A James M. is 20, Columbus is 18, John W. is 14, Charles is 10, Lem P. is 8, Sarah G. is 7, May is 4.
Q Is there any additional statement you would like to make at this time in regard to your case? A Well, in regard to where I claim my right is from my grandmother, Sarah or Sina Perry, also James Perry, the father of my grandmother.
Q Have you any papers you would like to file with this Commission at this time in regard to your case? A Not at this time.
Q The Commission is unable from the testimony in this case to, identify you and your children as Mississippi Choctaws, or your wife as an intermarried Mississippi Choctaw. The decision of the Commission showing more fully why it can't identify you or your family as Mississippi Choctaws will be furnished to you in writing and mailed to you at your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of G. W. Christian and his seven minor children and of his wife as an intermarried Mississippi Choctaw.

The applicant, G. W. Christian, appeared before the Commission at Colbert, Indian Territory, June 15th, 1900, and from his oral testimony given at that time in behalf of his claim for identification of himself and his seven minor children as Mississippi Choctaws and his wife as an intermarried Mississippi Choctaw.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill) and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end mad administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of G. W. Christian on his own behalf and on behalf of his seven minor children, Jas. M., Columbus, John W., Charles, Lem P., Sarah G. and May Christian, and on behalf of his wife, Elizabeth Christian as an intermarried Mississippi Choctaw, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, September 5th, 1900.

Muscogee, Indian Territory,
September 6th, 1900.

G. W. Christian,
Purcell, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children James M., Columbus, John W. Charles, Lem P., Sarah C. and May Christian for identification as Mississippi Choctaws, and the application made by you on behalf of your wife as an intermarried Mississippi Choctaw, before the Commission at Colbert, Indian Territory, June 15th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of congress of June 28th, 1898, is sent to him for approval.

Yours truly,

Acting Chairman.

M. C. R.- 56.
Enc.
Registered mail.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAR 4 1902

Acting Chairman

MUSKOGEE, IND. T.
MAR 3 1902
REC'D.

PURCELL, IND. T.
JAN 25 1902
REC'D.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, I.T.
JAN 26
7 00 PM
1901

1

WRITE

S. W. Christian,
[redacted],
Indian Territory.

UNCLAIMED

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, January 23, 1902.

G. W. Christian,

Purcell, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of yourself and minor children, you are informed that under date of July 30, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicant or witnesses.

In accordance with such instructions you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Tuesday, March 4, 1902, at one o'clock P. M., there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

Acting Chairman.

M.C. 56

56

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 7 1902

ACTING CHAIRMAN

REGISTERED
JUN 30 1902
MUSKOGEE, IND. TER.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

7843

Purcell, I. T.
JUN 27 1902
283

- RW -

G. W. Christian,
~~Purcell,~~
~~Indian Territory~~.

COMMISSIONERS
HENRY L. DAWES
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALFRED H. ALLEN
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 56

Muskogee, Indian Territory, May 21, 1902.

G. W. Christian,

Purcell, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Jonas Harvey Christian, et al., embracing the following applications for identification as Mississippi Choctaws:

Jonas Harvey Christian, et al.,	M C R 5167
Eliza Waggoner, et al.,	M C R 55
G. W. Christian, et al.,	M C R 56
Peter Christian, et al.,	M C R 3643
Mary Elizabeth Kennedy, et al.,	M C R 4903
Myrtle Sudderfield,	M C R 1463

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Jonas Harfey Christian, Charles Wesley Christian, Thomas Milton Christian, Enos Lee Christian, Eliza Waggoner, Bertha May Belle Waggoner, Ollie Lee Waggoner, G. W. Christian, James M. Christian, Columbus Christian, John W. Christian, Charles Christian, Lem P. Christian, Sarah G. Christian, May Christian, Peter Christian, Mary Elizabeth Christian, Mary Elizabeth Kennedy, Lizzie May Kennedy, Charles Early Pinckney Kennedy, Lethia Kennedy, Esty Melvina Kennedy and Myrtle Sudderfield, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza Waggoner for the identification of her husband, Chas. Waggoner, and the application made by G. W. Christian for the identification of his wife, Elizabeth Christian, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

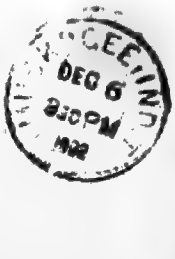
Yours truly,

Acting Chairman.

Registered.

56

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 7 1903



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

G. W. Christian,

Purcell, Indian Territory.

UNCLAIMED

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 58.

Muskogee, Indian Territory, December 5, 1902.

G. W. Christian,

Purcell, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jonas Harvey Christian, et al., of which decision you were advised by registered mail on the 21st day of May, 1902.

The Commission is directed to advise you that this decision is subject to your inspection.

Respectfully,

Acting Chairman.

G. W. Christian et al

vs.

Choctaw Nation

Miss. Choc. Case No. R 56

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd 1900.

REFUSED.

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900

Name G. W. Christian (H) Purcell, I.T.

Choctaw? Miss County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes. (1/4) Mother's citizenship (N. S.)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Estelle Christian

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? (Yes)

Married under what law? Marion Sutterfield, (father)

License filed this day Margaret Sutterfield (mother)

Names of children:

	County	Year	Page	No.
20. Jas. M.	County	Year	Page	No.
18. Columbus	County	Year	Page	No.
14. John W.	County	Year	Page	No.
10. Charles	County	Year	Page	No.
9. Lem P.	County	Year	Page	No.
7. Sarah G.	County	Year	Page	No.
4 May	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

James A. Christian (father) (1/4)
Lillian Christian (mother)

REFUSED.

G. H. Christian et al

Judgment

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RECEIVED AND COPY
MAILED CLAIMANT

SEP 27 1900

ACTING CHAIRMAN.

REFERRED TO C. R. 3167

12

61036 Indian Office. 1900

Ex. B.

Chec MCR 57 Robert H. Patterson

refund

See MCR 288

MCR 57

R 57

MISS.-CHOCTAW

ENROLLMENT

Robert H. Patterson et.al.

REFUSED.

REFER TO M.C.R. 288.

R 57.

Mississippi Choctaw R-57.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER. June, 15, 1900.

In the matter of the application of Robert H. Patterson for identification as a Mississippi Choctaw.

By the Commission:

Q What is your name? A Robert Henry Patterson.
Q What is your age? A 25 years.
Q What is your present postoffice address? A Wynnewood.
Q Where do you live? A Near Wynnewood in the Chickasaw Nation.
Q Do you claim as a Mississippi Choctaw? A yes.
Q What proportion of Choctaw blood do you claim to have? A 1/8.
Q Did you ever live in Mississippi? A No sir.
Q How long have you lived in the Indian territory? A About 8 months.
Q Where did you live prior to coming to the Indian territory? A In Texas.
Q How long have you lived in Texas? A All my life.
Q Born and raised in Texas? A yes.
Q Does your name appear upon the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever made application to the legally constituted tribal authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
Q You have never been recognized by the tribal authorities as a citizen of the Choctaw Nation? A Yes.
Q Did you apply to the Dawes Commission in 1896 for citizenship? A No sir.
Q Have you ever before appeared before this Commission for the purpose of making application for enrollment? A No sir.
Q What is the name of your father? A John Patterson.
Q Was he a white man or an Indian? White man.
Q Where does he live? A Near Wynnewood.
Q How long has he lived there? A two years.
Q What is the name of your mother? A Rebecca Patterson.
Q Is she a white woman or an Indian? A Indian woman.
Q What kind of Indian? A Mississippi Choctaw.
Q What blood does she claim? A One-fourth.
Q She never lived in Mississippi? A No sir.
Q Where does she live at present? A Near Wynnewood.
Q How long has she lived there? A Two years.
Q Where did she live prior to going there? A In Texas.
Q How long did she live in Texas? A Born and raised in Texas.
Q Does the name of your mother appear upon any of the tribal rolls of the Choctaw Nation? A No sir.
Q Has she ever been admitted to citizenship in the Choctaw Nation by the lawfully constituted tribal authorities thereof? A No sir.
Q Was she admitted to citizenship by the Dawes Commission under the Act of June 10, 1896? A No sir.
Q Was she ever admitted to citizenship by the United States Court in the Indian territory? A No sir.
Q Under what treaty do you claim as a Mississippi Choctaw? A The entire treaty.
Q What do you mean by that? A All the treaties made by the Mississippi Choctaws.
Q You do not claim under any particular article of any particular treaty— you just make a blanket statement and claim under all treaties the United States government and the Choctaws? A Yes.

Q You do not claim under Article 14? A I claim under all articles.
Q Not specifically under that one article? A No sir.
Q When you say you claim under Article 14 you mean you claim not under that article only, but under any and all articles of any and all treaties heretofore entered into between the Mississippi Choctaws and United States? A Yes.
Q Do you claim under the treaty of 1897? A I claim under all treaties.
Q Did you ever take advantage of the provisions of the 14th Article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did any of your ancestors ever take advantage of the 14th Article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did you or your ancestors ever receive any lands as beneficiaries under Article 14 of the Treaty of 1830? A No sir.
Q Do you ~~claim~~ make any claim under Article 19 of that treaty? A I make under all the articles.
Q But not under any article specifically? A No sir.
Q Are you married? A Yes.
Q Where and when were you married? A In Texas in 1897.
Q Your present wife Clara is the mother of your child? A Yes.
Q Were you married under the Texas law? A Yes.
Q Do you desire to offer in evidence your marriage license or certificate? A No sir.
Q What is the name of your wife? A Clara.
Q Do you make any claim for your wife? A No sir.
Q Have you any children? A One.
Q Do you make any claim for your child? A Yes.
Q What is the name of your child? A Robert Othello Patterson.
Q What is his age? A Two years.
Q Has his residence always been the same as yours?
Q He is living with you now? A Yes.
Q His claim to citizenship as a Mississippi Choctaw ~~xx~~ has the same ~~definition~~ foundation as your claim? A yes.
Q Is your wife a United States citizen or a Choctaw Indian? A U.S. citizen.
Q Is there any additional statement in regard to your case you desire to make at this time? A No sir.
Q Have you any papers you desire to file? A My lawyer will present some. I have none to file at this time.

The Commission is unable from the testimony in your case to identify you and Robert Othello Patterson as Mississippi Choctaws. The decision of the Commission showing more fully its reasons for not being able to identify you and Robert Othello Patterson will be furnished you in writing and mailed to you at your present postoffice address.

Brown McDonald, being sworn by Acting Chairman Bixby, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 19th day of June, 1900, at Colbert, Indian Territory.

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Robert Henry
Patterson et al

MCR
#57.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert Henry Patterson for the identification of himself and his minor child, Robert Othello Patterson, as Mississippi Choctaws.

D E C I S I O N.

The record in this case shows that Robert Henry Patterson appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of himself and his minor child, Robert Othello Patterson, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-

mission that the application for identification of Robert Henry Patterson for himself and for his minor child, Robert Othello Patterson, as Mississippi Choctaws, be and the same is hereby refused/

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, FEB 26 1901

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608

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

I. T. Penalty for private use, $300.

RETURN TO WRITER

UNCLAIMED

REGISTERED
MAR 1 1901
MUSKOGEE, IND. TER.

171
387

Robert Henry Patterson,

Wynnewood, Indian Territory.

APR 3 1901

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1901.

Robert Henry Patterson,

Wynnewood, I. T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Encl.hh
Reg.M.
M.C.R. 57

Second decision mailed
Robert Henry Patterson because
first was sent out
undated.

3/15/1901
a.B.

Muskogee, Indian Territory, March 15, 1921

Robert Henry Patterson,

Gynnewood, I. T.

Dear Sir:-

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Encl.hh
Reg.M.
M.C.R.57.

Muskogee, Indian Territory, September 5, 1901.

Mr. Robert H. Patterson,

Wynnewood, Indian Territory.

Dear Sir:

In the matter of the application for identification as Mississippi Choctaws of Ronchali C. Barron et al., Mozella J.St. Cyr et al., Nellie Davis et al., Celia Nix et al., Dessie Taylor et al., Anna Patterson et al., and Della J. Spencer et al., you are informed that under date of August 7, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

It appears from the records that you appeared before this Commission at Colbert, Indian Territory, on June 15, 1900, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor.

In accordance with the instructions above referred to, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of

R.N.T. 48

such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 48

Commissioner in Charge.

Miss.Choctaw 5041
5042, 5043.

Muskogee, Indian Territory, March 31,1902.

J. O. Pool,

Attorney at Law,

Washington, D.C. 510 E St. N.W.

Dear Sir;

Receipt is hereby acknowledged of your letter of the twenty fifth instant, inclosing affidavits covering the birth of Ira H. Patterson, Winnie Pike and Bardie Saint Cumberough. These affidavits have been accepted as evidence of the birth of said children and their applications for identification as Mississippi Choctaws will be considered in connection with the applications of their parents, and you will be notified of the action taken by the Commission.

Yours truly,

Acting Chairman.

COPY.

M C R 57

Muskogee, Indian Territory, June 14,1902.

Robert Henry Patterson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June,1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Renshali C. Barron, et al., embracing the frollowing applications for identification as Mississippi Choctaws:

Renshali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Tayler, et al.,	MCR	45
Cornelius E. Tayler,	MCR	46
John H. Tayler, et al.,	MCR	47
Mary Ann C. Smith,	MCR	48
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	59
Dessie Tayler, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie E. Cunningham,	MCR	367
Ellis Neeley, et al.,	MCR	368
William C. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudie Litteral, et al.,	MCR	1344
Mozella Petree, et al.,	MCR	1360
Willie A. Malone, et al.,	MCR	1361
Mary E. Courtney, et al.,	MCR	5220

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronshali C. Barren, Hamlet Barren, Mary A. Barren, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Tayler, William D. Tayler, Thomas Jefferson Tayler, Cornelius B. Tayler, John H. Tayler, Everett Tayler, Mary Ann O. Smith, Thomas B. Crudup, Nana M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monen Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Gerene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby F. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Tayler, Georgia L. Tayler, Lillian Tayler, Albert D. Tayler, Anna Patterson, James H. Patterson, Thomas L. Patterson, Willie W. Patterson, Dennis S. Patterson, Della J. Spencer, Herbert Spencer, Charlie H. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond E. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Rea Litteral, Katie Litteral, Hallie Litteral, Theodford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy E. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Registered.

57

... TO THE FIVE CIVILIZED TRIBES.

FILED

JAN 7 1903

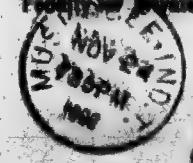
ACTING CHAIRMAN

UNCLAIMED

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.



Robert H. Patterson,

~~Fennewald, Indian Servitors.~~

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 57

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 22, 1902.

Robert H. Patterson,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ronchali C. Barron, et al., of which decision you were advised by registered mail on the 14th day of June, 1902.

Respectfully,

Acting Chairman.

No. 5043

For Identification as a Mississippi Choctaw.

Date MAR 31 1902

Name Ira L. Patterson

Age 1½ *Blood* 1/16

Post Office, Wynnewood I.T.

Father: Robert L. Patterson

Mother: Clara M Patterson

Claims through father

Children:

Evidence of birth filed this date. Robert L. Patterson father of applicant is on MCR #57 which is a part of the consolidated case of Ronchali C. Parron et al MCR #288.

Stenographer

Nymiewoo 5-87. **MEMORANDA.**

Thick.

(Date) June 15 1900 1899.

Name Robert H Patterson (25)

Choctaw? (1/8) County through mother. Year ..... No. .....

~~Chickasaw?~~ ~~County~~ Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? Mother Rebecca Patterson (1/4)

License filed this day Father John

Wife's name, Clara Patterson non cit

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

No claim for wife

Names of children:

2 yrs. Robert O Patterson	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

Original Copy sent to Indian Office, June 21, 1900

[illegible] APPLICATION AS
[illegible] CHOCTAW. No. 57

REFUSED.

Robert H. Patterson

Judgment written January 18, 1901.
B.C.J.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 26 1901

ACTING CHAIRMAN.

Roll [illegible]
[illegible]

57

REFUSE

JUN

RENDERED.

OF DECISION MAILED APPLICANT.

JUN 14 19

OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

JUN 14 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 14 1902

RECORD FORWARDED DEPARTMENT.

JUN 14 19

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 2 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 2 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 2 2 1902

REFER TO M. C. R. 288

Choc mcR 58 Nellie Davis

Refused

see mcR 288

mcR 58

R58

MISS.-CHOCTAW

ENROLLMENT

Nellie Davis et,al.

REFUSED

REFER TO M.C.R. 288.

R58

1 9116-1899 1

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Nellie Davis for the enrollment of herself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q - What is your name? A Nellie Davis.
Q How old are you? A 37.
Q What is your post office address? A Wynnewood, I. T.
Q How long have you lived at Wynnewood? A Since February, 1899.
Q Where did you live before that? A Texas.
Q How long did you live in Texas? A 36 years.
Q You lived in Texas all your life until about a year ago? A Yes.
Q You have never lived in Mississippi? A No, sir.
Q What is the name of your father? A Robert Grudnt.
Q Is he living? A No, sir.
Q Was he an indian or a white man? A He was a white man.
Q What is the name of your mother? A Her maiden name was Almeda Barron; her present name is Almeda White.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian? A She is a descendant of a Choctaw Indian.
Q She claims to be a Choctaw Indian? A She claims to be a descendant of a Choctaw.
Q Has her name ever been on the Tribal rolls? A No, sir.
Q Has she ever been recognized by the Tribal authorities as being an indian? A No, sir, she didn't claim to be an indian, she just claimed to be a descendant of a Mississippi Choctaw.
Q What proportion of Choctaw blood do you claim? A 1/4.
Q Has your name ever been on the Tribal rolls of the Choctaw Nation? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No.
Q Did you ever apply to the Choctaw tribal authorities for enrollment as a Choctaw indian? A No, I didn't apply to the tribal authorities.
Q Did you apply to the Dawes Commission in 1896? A No.
Q This is your first application to this Commission? A No.
Q When did youmapply? A In 1899.
Q At what place? A At Durant.
Q Do you, or did you at that time claim to be a descendant of a Mississippi Choctaw? A I claimed to be a descendant of a Mississippi Choctaw then.
Q Did you tell the Commission so? A I think I did.
(Copy of testimony taken before Dawes Commission at Durant in 1899 made a part of the record in this case, and marked Exhibit A.)
Q You are now claiming to be a Mississippi Choctaw, are you?
A I am claiming to be a descendant of a Mississippi Choctaw.
Q Under which treaty do you claim? A The treaty of 1830.
Q Do you claim under the 14th article? A I claim under the whole treaty of 1830.
Q You claim equally under the 14th, 15th, and 19th articles?
A I claim under no special article but under the whole treaty of 1830.
Q You claim under the supplement as well as the Treaty? A Nothing but the Treaty of 1830.
Q There was a supplement negotiated to this treaty? A I know nothing of the supplement.
Q You do claim under the whole of the Treaty of 1830? A Yes.
Q Did you ever take advantage of the provisions of the 18th article of this treaty? A No, I did not.
Q Did you ever take advantage of the provisions of the 14th article? A No, sir.

Nellie Davis - 2.

Q Have you or any of your ancestors ever claimed or received any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A Not that I know of.

Q Are you married? A I am.

Q Are you making any claim on behalf of your husband? A No, sir.

Q Have you any children? A I have.

Q Do you claim they are descendants of Mississippi Choctaws?

A Yes, sir.

Q Their claim has the same foundation as your own? A Yes, sir.

Q Do they live with you? A Yes, sir.

Q Has their residence always been the same as yours? A Yes, sir.

Q What is the name of your husband? A L. A. Davis.

Q Did you marry him under Choctaw law? A I married him under United States law.

Q Have you your marriage license and certificate with you?

A No, sir.

Q What are the names and ages of your children? A Stella M. is 15, Robert S. is 11, Myrtle is 10, ElamA. is 9, Mary L. is 6, Ruby is 3, Fred L. is 1.

Q Is there any additional statement that you would like to make in regard to your case at this time? A I have a paper, my attorney will file it.

(Affidavit of Nellie O. Davis filed in this case.)

Q The Commission is unable from the evidence in this case to identify you as Mississippi Choctaws. The decision of the Commission showing more fully why it can't identify you and your family as Mississippi Choctaws will be furnished you in writing and mailed to your present post office address.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

[signature]

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of Nellie Davis and her seven minor children.

The applicant, Nellie Davis, appeared before the Commission at Colbert, Indian Territory, June 15, 1900 and from her oral testimony given at that time in behalf of her own claim for identification and a claim that she makes for her seven minor children as Mississippi Choctaws.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission Authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty , is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Nellie Davis and her seven minor children, Stella A., Robert L., Myrtle, Elam A., Mary L., Ruby P. and Fred L. Davis, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept 4th, 1900.

Commission to the Five Civilized Tribes.

Durant, Indian Territory.

In the application of Nellie Davis for enrollment as a Choctaw; being sworn and examined by Comr McKennon she testifies:

Q What is your name? A Nellie Davis.

Q How old are you? A Thirty-six.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your parents ever been? A No.sir.

Q Where do you live? A In the Territory.

Q When did you come to the Territory? A First day of last February.

Q From Texas? A Yes sir.

Q You were born and raised in Texas? A Yes sir.

Comr McKennon: Her enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

Muskogee, Indian Territory, September 5, 1901.

Nellie Davis,

Wynnewood, Indian Territory.

Dear Madam:

In the matter of the application for identification as Mississippi Choctaws of yourself and seven minor children, you are informed that under date of August 2, 1901, the Commissioner of Indian Affairs remanded to this Commission the record theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony in support of such application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Wednesday, November 6th, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 58

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE CIVILIZED TRIBES.
RECEIVED
AUG 1 1902
ACTING CHAIRMAN

REGISTERED
JUL 30 1902
MUNCIE, IND. R.F.D.

Reg No. 20

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED. JUN 14 1902 MUSKOGEE, IND. TER.

UNCLAIMED 8852

#244

Nellie Davis,

Wynnewood,

~~Indian Territory.~~

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M C R 58

Muskogee, Indian Territory, June 14,1902.

Nellie Davis,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ronchali C. Barron, et al., embracing the following applications for identification as Mississippi Choctaws:

Ronchali C. Barron, et al.,	MCR	288
Mozella J. St Cyr, et al.,	MCR	44
Eliza A. Taylor, et al.,	MCR	45
Cornelius B. Taylor,	MCR	46
John M. Taylor, et al.,	MCR	47
Mary Ann C. Smith,	MCR	49
Thomas B. Crudup, et al.,	MCR	51
Almedia White, et al.,	MCR	52
Rebecca T. Patterson, et al.,	MCR	53
Celia Nix, et al.,	MCR	54
Robert Henry Patterson, et al.	MCR	57
Nellie Davis, et al.,	MCR	58
Fred M. Patterson, et al.,	MCR	59
Dessie Taylor, et al.,	MCR	262
Anna Patterson, et al.,	MCR	263
Della J. Spencer, et al.,	MCR	264
Charlie N. Cunningham,	MCR	367
Ellie Neeley, et al.,	MCR	368
William C. Cunningham,	MCR	370
Almeda O. Tyler, et al.,	MCR	371
Thomas L. Cunningham, et al.,	MCR	372
Claudie Litteral, et al.,	MCR	1366
Mozella Petree, et al.,	MCR	1360
Willie A. Malone, et al.,	MCR	1361
Mary M. Courtney, et al.,	MCR	6220

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ronchali C. Barron, Hamlet Barron, Mary A. Barron, Mozella J. St Cyr, Alva N. St Cyr, Ben C. St Cyr, Meda B. St Cyr, Mozella F. St Cyr, Charles C. St Cyr, Ed S. St Cyr, Eliza A. Taylor, William D. Taylor, Thomas Jefferson Taylor, Cornelius B. Taylor, John N. Taylor, Everett Taylor, Mary Ann O. Smith, Thomas B.Crudup, Nona M. Crudup, Roy Crudup, Robert Crudup, Joseph Crudup, Rowena Crudup, Harry J. Crudup, Almedia White, Alice Petree, Ollie Petree, Rebecca T. Patterson, Eddie Monon Patterson, George O. Patterson, Hilliard H. Patterson, Clarence C. Patterson, Howard T. Patterson, Celia Nix, Charles Hatcher Nix, Verna Nix, Clayton Nix, Corene Nix, Robert H. Patterson, Robert Othello Patterson, Ira H. Patterson, Nellie Davis, Stella M. Davis, Robert S. Davis, Myrtle Davis, Elam A. Davis, Mary L. Davis, Ruby P. Davis, Fred L. Davis, Fred M. Patterson, Almeda Patterson, Dessie Taylor, Georgia L. Taylor, Lillian Taylor, Albert D. Taylor, Anna Patterson, James E. Patterson, Thomas L. Patterson, Willie W. Patterson, Fannie S. Patterson, Della J. Spencer, Herbert Spencer, Charlie E. Cunningham, Ellie Neeley, Floyd Thomas Neeley, William C. Cunningham, Almeda O. Tyler, Raymond N. Tyler, Vernon L. Tyler, Thomas L. Cunningham, Irvin J. Cunningham, Otto C. Cunningham, Nona B. Cunningham, Claudie Litteral, Carrie Litteral, Ron Litteral, Katie Litteral, Hallie Litteral, Thedford Litteral, May Litteral, Ben Litteral, Mozella Petree, Ed B. Petree, Joseph L. Cotner, Millie A. Malone, Roy B. Malone, Mary E. Courtney, Byron C. Courtney, and Emma M. Courtney, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Eliza A. Taylor for her husband Cornelius Taylor, and the application made by John H. Taylor for his wife Dora Taylor, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Commissioner in Charge.

Registered.

COPY

E.C.R. 98

Muskogee, Indian Territory, September 23, 1908.

Nellie Davis,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby notified that on the 5th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Kendall C. Barron, et al., of which decision you were advised by registered mail on the 11th day of June, 1902.

Respectfully,

Acting Chairman.

Nellie Davis et al

vs.

Choctaw Nation

Miss. Choc. Case No. R58

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3rd 1900

REFUSED.

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900

Name Nellie Davis. (37) Winnewood, I.T.

Choctaw ? Miss. County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes. (1/4) Mother's citizenship ..... CHOCTAW. (1/2)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, ...

~~Wife's name,~~ (Husband) L. A. Davis. (no)

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
15. Stella A.	County	Year	Page	No.
11. Robert S.	County	Year	Page	No.
10. Myrtle	County	Year	Page	No.
9. Elden G.	County	Year	Page	No.
6. Mary L.	County	Year	Page	No.
3. Reuben P.	County	Year	Page	No.
1. Fred L.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Robert Crudup, (father) Dead.
Alunta White (mother)
"

FOR NOTIFICATION OF CITIZENSHIP IN THE CHOCTAW NATION. 58

REFUSED.

Nellie Davis et al

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP 5 1900

ACTING CHAIRMAN.

See Choctaw Card No.

12

61036	Indian Office. Incl. No. 73	1900

Refused

[illegible] DECISION MAILED APPLICANT.

JUN 14 1902

[illegible] OF DECISION FORWARDED
[illegible]TORNEY FOR APPLICANTS.

JUN 14 1902

[illegible]CE OF [illegible]ED ATTORNEYS
[illegible] CHOCTAW AND CHICKASAW NATIONS.

JUN 14 1902

[illegible]ORD FORWARDED DEPARTMENT.

JUN 14 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

NOV 8 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

NOV 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

NOV 22 1902

REFER TO M. C. R. 2[illegible]

Choc MCR 59 John W. Gray

See MCR 61, 62, 235

MCR 59

[illegible] CATIONS AS
MISSISSIPPI CHOCTAW

John W. Gray et al

REFUSED.

DECISION RENDERED. SEP 4 - 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
SEP -5 1900

ACTING CHAIRMAN.

RECORD FORWARDED DEPARTMENT,
DEC -3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR.
JAN 25 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
FEB -5 1902.

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
FEB -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
FEB -5 1902

REFER TO M. C. R. 61, 62, 295.
Rufus L. Gray et al.
Moses Gray et al.
Fannie Tackett et al.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

R 57

Rufus L. Gray et al.

MCR 19

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of John Wilson Gray for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A John Wilson Gray.
Q How old are you? A I was born in 1843.
Q What is your post office address? A Roberts, I T.
Q How long have you lived in the Indian Territory? A I came here in December, 1896.
Q Where did you live before that? A In Arkansas.
Q How long had you lived in Arkansas? A I was born and raised there.
Q You never have lived in ~~xxxxxxxxx~~ Mississippi? A No, sir.
Q What was the name of your father? A John Wilson Gray.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian or a white man? A He was a Choctaw Indian.
Q What proportion of Choctaw blood did he claim to have? A 1/4 or more.
Q Was his name ever on the Choctaw Tribal rolls? A His blood was on the roll.
Q I am asking about his name? A No, sir, John Wilson Gray's name was not.
Q Was he ever recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q What was the name of your mother? A Lucy.
Q Is she living? A No, sir.
Q Was she a white woman? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have? A 1/8 or more.
Q Has your name ever been on the Choctaw Rolls? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1898? A No, sir.
Q Is this your first application? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q Under which treaty do you claim? A All of them, all the treaties ever made between the Choctaw Indians and the United States.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No, sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
Q Are you married? A Yes, sir.
Q Are you making any claim for your wife? A No, sir.
Q Have you any children under 21 years of age and unmarried?
A Yes, sir.
Q What is your wife's name? A Mollie Jack, before she was married.
Q Did you marry her under Choctaw law? A No, sir.
Q Where did you marry her? A In Arkansas.
Q Have you your marriage license and certificate with you?
A No, sir.
Q Do these children all live with you? A Yes, sir.
Q Has their residence always been the same as yours? A Yes, sir.
Q What are their names and ages? A Euclid L. was born June 15,

1885, Pearl J., born September 10, 1886, Addie L., born September 21, 1888, Annie T., born December 23, 1890, John Oliver, born March 13, 1893, Fannie L., born December 30, 1895.

Q Is there anything further that you would like to say in regard to your case at this time? A No, sir.

By Mr. J. S. Johnson, attorney: What age was you when your father died? A I was 12 or 13.

Q When did he die? A I don't recollect the date.

Q About as near as you can come at it? A Along in 1878 or 1879.

Q Where was it that he died, at what place? A In Van Buren County, Arkansas.

Q Where did he come from to Van Buren County? A From Mississippi.

Q Was you born in Van Buren County? A Yes, sir.

Q When did your mother die, before or after he died? A Before he died.

Q Then you were left an orphan at about 12 years of age? A Yes.

Q You say he came from Mississippi directly to Arkansas, is your information? A Yes, sir.

Q Have you any uncles or relatives, near relatives, living that you know of? A Not that I know of.

Q Outside of your brothers and sisters? A No, sir.

Q Mr. Gray, he asked you if you had ever been recognized? A Im have by a few Choctaws.

Q How long did you say you had been living in the Territory?

A From December, 1896.

Q Have you any reason why you didn't apply here for enrollment heretofore? A Yes, sir, I was ignorant about the case, and I didn't know how to get it started up, didn't know how to commence it.

Q Have you ever had any relatives or friends or persons that could identify you that you could come before the Commission heretofore? A No, sir, I didn't have any in this country.

Q In other words, you couldn't get the testimony to prove your claim? A No, sir.

Q You stated you were left an orphan boy? A Yes, sir.

Q Have you been recognized as an Indian in the neighborhood and country in which you have lived in the Territory? A Yes, sir, I have.

Q Do you say that you don't know that your father ever was enrolled and you know you never was enrolled? A No, sir, never was.

Q You never applied for enrollment? A No, sir.

Commissioner Sixby: Is there any evidence or papers you wish to offer? A Yes, sir.

Q You will be permitted to offer any documentary evidence which you may desire to.

(Affidavit of J. E. Eldridge, of John H. Nelson, of William Harris, affidavit of O. E. Thornley, and others, offered in evidence and placed on file.)

The Commission is unable from the testimony in this case to identify you as Mississippi Choctaws. The decision of the Commission, showing more fully why it cannot identify you and your family as Mississippi Choctaws will be furnished you in writing and mailed to you at your present post office address.

---o---

John Wilson Gray - 3.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct statement of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

McRae

Department of the Interior,
Commission to the Five Civilized Tribes,
Gulbert, I.T., June 15, 1900.

In the matter of the application of Rufus L. Gray for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Rufus Lafayette Gray.
Q How old are you? A I am 35.
Q What is your post office address? A McGee, I.T.
Q How long have you been living in the Indian Territory? A Ever since December, 1894.
Q Where did you come from to the Indian Territory? A Arkansas.
Q How long did you live in Arkansas? A I was raised there, except I lived in Texas 6 years.
Q Where were you born? A In Arkansas.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A John Wilson Gray.
Q Is he living? A No, sir.
Q Was he a white man or a Choctaw Indian? A He was an Indian.
Q What proportion of Choctaw blood did he claim to have? A 1/4 or more.
Q Was his name ever on the Tribal rolls of the Choctaw Nation?
A No, sir, not that I know of.
Q Was he ever recognized by the Tribal authorities as being a Choctaw Indian? A No, sir, not that I know of.
Q What was the name of your mother? A Lucy Gray.
Q Is she living? A No, sir.
Q Was she a white woman? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have? A 1/8 or more.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1898? A No, sir.
Q Is this your first application? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? Yes, sir.
Q Under which treaty do you claim? A Under all from 1830 up to the present time.
Q You claim under all the treaties from 1830 up to the present time? A Yes, sir.
Q Do you claim under the Treaty of 1897? A No, sir, not under that; I claim under all of them.
Q You claim under that as well as under the others? A Yes, sir.
Q You don't base your claim upon any particular treaty? A No, sir, under all of them.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No, sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.
Q Are you married? A Yes, sir.
Q Are you claiming anything for your wife? A No, sir.
Q Have you any children? A Yes, sir.
Q What is the name of your wife? A Addie Jane Gray.
Q Have these children always resided with you? A Yes, sir.
Q Did you marry under Choctaw law or United States law? A Under United States law.
Q Where? A In Texas.

Cross-examination

Q When? A In 1884.
Q Do you wish to offer your marriage license and certificate in evidence? A Yes, sir, they will be filed hereafter.
Q What are the names and ages of your children? A Owen Jackson, born September 8. 1886, James Marion, born February 22, 1888, John Oscar, born July 12, 1893.
Q Is there any additional statement that you would like to make at this time in regard to your case? A No, sir.
Q Have you any papers that you would like to file with the Commission relative to your case? A Yes, sir.
(Refers to all papers filed in the case of John Wilson Gray, as a part of the record in this case.)
Mr. J. S. Johnson, attorney: You claim, as I understand it, that you are a son of John Wilson Gray, he is dead? A Yes, sir.
Q When did he die, your father? A He died in I believe 1876.
Q At that place? A Eglandston, Arkansas.
Q What was your age then? A 10 or 11 years old.
Q Was your mother then dead? A Yes, sir.
Q Where did your father move from when you came to Arkansas?
A I was told from Mississippi.
Q Where was he starting to when he got to Arkansas? AA To the Territory.
Q That is from hear say? A Of course; yes, sir, to the Choctaw Nation to join the tribe.
Q Then you were left an orphan there? A Yes, sir.
Q How long before you came to the Territory; how old were you when you came to the Territory? A I was I believe 35.
Q Have you ever applied to any tribal authorities for enrollment or identification? A No, sir.
Q Have you ever participated in elections in the Choctaw or Chickasaw Nation where you lived? A No, sir.
Q How have you been recognized by the Choctaws and Chickasaws, as an indian or as a white man? A As an indian.
Q You have been recognized as an indian by the people in the community? A Yes, sir.
Q Why is it that you never appeared before the Commission prior to this time? A Well, I never had a chance and didn't know how to commence it.
Q Did you ever have the evidence? A No, sir, I never had the evidence.
Q Is there any of your father's brothers, your uncles, or near relatives, living now that you know of? A No, sir.
Q Have you any relatives that you know of except your brothers and sisters, who are applicants here? A No, sir.
Q You stated a while ago in reply to his question that you claimed under all the treaties; do you know what treaties are? A No, sir.
Q Did you ever read one? A No, sir.
Q How much Choctaw blood do you claim? A 1/8.
Q He asked you whether any of your relatives were enrolled or not, do you know? A Well, I have been taught that our grandfather was.
Q You don't know that, you understood he was? A Yes, sir, I have understood it.
Q On what roll? A On the old Mississippi roll.
Q What was your grandfather's name? A James Gray.
Q Is he dead? A Yes, sir.
Q Did you ever see him? A Not that I recollect.
Commissioner Riggs: You claim to have been recognized by the Choctaws and Chickasaws as an indian? A Yes, sir, through the country

Before L. Gray - 2.

Q - The Neighbors. You don't claim to have ever been recognized by the tribal authorities of either tribe? A No, sir.

The Commission is unable from the evidence in this case to identify you and your family as Mississippi Choctaws.

The decision of the Commission showing more fully why it won't identify you and your family under the provisions of the law of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

COMMISSIONER.

REFUSED.

MEMORANDA.

JUN 15 1900-

(Date) JUN 15 1900 ~~1900~~

Name Rufus L. Gray (35) McGee, I.T.

Choctaw ? Miss., County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? yes, (1/8) Mother's citizenship (N.S)

Intermarried citizen ? .....

Married under what law ? Texas.

License filed this day, ...

Wife's name, Addie Jane Gray (no)

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

15. Owen J.	County	Year	Page	No.
12. James L.	County	Year	Page	No.
7. John O.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

John N. Gray (father) CHOCTAW 1/8

Lucy Gray (mother) Doubtful

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of Rufus L. Gray and his three minor children.

The applicant, Rufus L. Gray, appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and from his oral testimony given at that time in behalf of his claim for identification of himself and three minor children as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their claims to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under the fourteenth article of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Rufus L. Gray and his minor children, Owen F., James L. and John O. Gray, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept 4th, 1900.

COPY.

Muscogee, Indian Territory,

September 6th, 1900.

Rufus L. Gray,

McGee, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children Owen J., James L., John O. Grayfor identification as Mississippi Choctaws, before the Commission at Colbert, Indian Territory, June 15th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 189[illegible], is sent to him for approval.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

M. C. [illegible]-61.
Enc.
Registered mail.

Rufus L. Gray et al.

vs.

Choctaw Nation

Miss. Choctaw Case No. R. 61

Original testimony and all papers filed in this case forwarded Secretary of Interior,

December, 3rd, 1900

COPY.

Refer in reply to the following:
Land
61036 - 1900.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, January 23, 1902.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the records, including the judgment of the Commission to the Five Civilized Tribes in Mississippi Choctaw cases Nos. 59, 61 and 62; the applications of John W. Gray, et al, Rufus Gray, et al , and Moses Gray, et al, for enrollment of themselves and minor children as Mississippi Choctaws.

The applicants in these three cases refer to John Wilson Gray as a common ancestor. It is therefore thought advisable to submit the papers in these cases in one communication to the Department.

The testimony filed in support of these cases is practically the same. The fact that they are descendants of James Gray an old Choctaw Indian who started to the West with the intention of taking up his residence in the Indian Territory, but on account of sickness stopped in the State of Arkansas where he died some years after. There is no evidence tending to support the claim that he was one of those Choctaws who elected to take advantage of the provisions of the 14th article of the Treaty of 1830 between

the United States and the Mississippi Choctaws.

The testimony shows that the applicants above mentioned were born in the State of Arkansas and are now living in the Indian Territory; that they never lived in the State of Mississippi nor have they ever been on any of the tribal rolls of the Choctaw Nation, nor recognized as citizens by the tribal authorities nor by the Commission to the Five Civilized Tribes. They claim under all the treaties ever made between the Choctaw Indians and the United States.

There is filed in support of the claims affidavits from John H. Nelson, William Harris, C. E. Thornley, et al. All these affiants seem to have had the idea that the testimony required of them was such that would be necessary to prove that the applicants and their children were Choctaws by blood. There is not a syllable of evidence in the record tending to connect them with that class of Indians called Mississippi Choctaws, who took advantage of the provisions of the 14th article of the Treaty of 1830.

The Dawes Commission refused the application of John W. Gray for himself and his minor children, Euclid L., Pearl J., Addie L., Anna T., John O. & Fannie L. Gray; of Rufus L. Gray and his minor children, Owen J., James L. and John O. Gray; and of Moses Gray and his minor child, John H. Gray, on the ground that the evidence is not sufficient to enable it to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under the 14th article of the Treaty of 1830.

The office after careful consideration of all the testi-

mony submitted in these cases is of the opinion that the claimants have failed to furnish such evidence as would enable it to identify them as Mississippi Choctaws under the 14th article of said treaty. The claimants in their testimony before the Commission to the Five Civilized Tribes at Colbert June 15, 1900, stated that neither they nor any of their ancestors ever took advantage of the provisions of said article of said treaty.

The application filed andsworn to by John Wilson Gray on the 6th day of June, 1900, (which is applicable to each of the claimants), is silent on this point and seems to have been made for the purpose of enrollment as Choctaws by blood.

The Commission base their judgment in all of the cases upon the promises that the applications were made for the purpose of being identified as Mississippi Choctaws; and that under the provisions of law, which give them authority to identify Choctaw Indians claiming rights in the Choctaw land under article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830, and that under the provisions of said treaty they have not been able after carefully considering the testimony to identify them as Mississippi Choctaws.

It is therefore recommended that the judgment of the Commission be affirmed, and proper notice of such action given the claimants herein.

Very respectfully,
Your obedient servant,

W. A. JONES,
Commissioner.

A. B. (E.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
FEB 5 1902

ACTING CHAIRMAN.

-Copy-

5988 J.P.

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.
480-1902.
File 896-1898. C.

January 25, 1902.

L. R. S.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 23, 1902, the Commissioner of Indian Affairs transmitted the r ecords in the cases of John W. Gray for the enrollment of himself and his minor children, Rufus L. Gray for the enrollment of himself and his minor children, and Moses Gray for the enrollment of himself and his minor children, as Mississippi Choctaws, and recommended that your decisions rejecting the applications be concurred in .

It appears that none of the claimants have been enrolled or admitted to citizenship in the Choctaw Nation.

The parties making application state that neither they nor any of their ancestors ever took advantage of the fourteenth article of the treaty of 1830.

Referring to section 21 of the act of June 28, 1898, (30 Stat.,495), and to the act of May 31, 1900, (31 Stat., 221), you found that the evidence in the case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws

entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830.

The Department concurs with your conclusions and your decisions are affirmed.

A copy of the Commissioner's letter is inclo sed.

Chester Howe, Attorney at Law, 623 F Street, N. W., this city, has entered his appearance in these cases.

Respectfully,

THOS. RYAN,

Acting Secretary.

TMD

1 inclosure.

COPY.

Muskogee, Indian Territory, February 5, 1902.

Rufus L. Gray, { Mississippi Choctaw
McGee, Indian Territory. { No. R 61.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of your application for the identification of yourself and your three minor children, Owen Jackson Gray, James Rufus Gray and John Oscar Gray, as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in your case, refusing your application for the identification of yourself and your minor children as Mississippi Choctaws.

Yours truly,

Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 5,1903.

J. S. Johnson,
Attorney at Law,
Durant, Indian Territory.

Dear Sir:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of Rufus L. Gray for the identification of himself and his three minor children, Owen Jackson, James Rufus and John Oscar Gray as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1903, in which he affirms the decision of the Commission in this case, refusing the application for identification of Rufus L. Gray and his minor children as Mississippi Choctaws.

Yours truly,

Tams Bixby.

SIGNED

Acting Chairman

M C R 61

COPY.

Muskogee, Indian Territory, February 5, 1902.

Chester Howe,

623 F. Street, N.W.

Washington, D. C.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of Rufus L. Gray for the identification of himself and his minor children, Owen Jackson, James Rufus and John Oscar Gray as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900 refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in this case, refusing the application for identification of Rufus L. Gray and his minor children as Mississippi Choctaws.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman

M C R 61

COPY.

Muskogee, Indian Territory, February 5, 1903.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of Rufus L. Gray for the identification of himself and his three minor children, Owen Jackson, James Rufus and John Oscar Gray as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1903, in which he affirms the decision of the Commission in this case, refusing the application for the identification of Rufus L. Gray and his minor children as Mississippi Choctaws.

Yours truly,

(SIGNED). Tams Bixby.

Acting Chairman.

M C R 61.

Muskogee, Indian Territory, October 19, 1900.

William R. Turney,

Oak Lodge, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 8th instant in the matter of the enrollment as citizens of the Choctaw Nation of Jack Gray and Susan Francis Tackett, and in which you state their witnesses were Tate Gray, Moses Gray and Jim Johnson and that you believe they were enrolled at Durant on June 10th, 1900 and that their attorneys were Johnson & Horton of Durant.

You now desire to be informed if the Commission can identify these parties, whether they have been listed for enrollment.

You are informed that the records of this Commission show that on June 15th, 1900, John W. Gray, 37 years of age, of Roberta, Indian Territory, appeared before the Commission at Colbert, Indian Territory and there made application for the identification of himself and of his six minor children, Nuelid L., Pearl J., Addie L., Annie T., John O. and Fannie L. as Mississippi Choctaws. The Commission after hearing the oral testimony of the applicant on his own behalf and on behalf of his minor children, at that time rendered a judgment stating the Commission was unable from the testimony in his case to identify the applicant or his children as Mississippi Choctaws and on September 5th, 1900, the Commission mailed to Mr. Gray at Roberta, Indian Territory, a written decision refusing the application of himself and children for identification as Mississippi Choctaws and stating therein the reason for any

action the Commission had taken in the matter of their application.

As to the other party of whom you inquire, Susan Francis Tackett, the records of this Commission show that on June 16th, 1900, at Colbert, Indian Territory, Funnie Tackett, 29 years of age of Utica, Indian Territory, appeared before the Commission and made application for the identification of her self and her four minor children, Lucy, Amelia, Emery and Sillie, as Mississippi Choctaws.

The Commission has not up to this time rendered any decision in the matter of this application but contemplates doing so in the near future and when such is rendered, a copy of the same will be mailed to the applicant, stating fully the reason for any action the Commission may take in this case.

Yours truly,

Acting Chairman.

M. C. R- 59

M. C. R-235

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 2 1902

ACTING CHAIRMAN

Department of the Interior.
Office [illegible] to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND. T.
FEB 7
855PM
1902

Returned to
Wrights

~~John Wilson Gray~~
~~Roberta~~
~~Indian Territory~~

R. 57

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 5, 1902.

John Wilson Gray, (Mississippi Choctaw
Roberts, Indian Territory. (No. R 59

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of your application for the identification of yourself and your six minor children, Euclid L., Pearl J., Addie L., Annie T., John Oliver and Fannie L. Gray, as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in your case, refusing your application for the identification of yourself and your minor children as Mississippi Choctaws.

Yours truly,

Acting Chairman.

M C R 59

Muskogee, Indian Territory, March 31, 1903.

John W. Gray,

Utica, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 20th instant. Therein you state "Mr. George C. Colbert was at my house in December. He claimed that he was employed by the Secretary of the Interior to get up additional evidence for Mississippi Choctaws;" that he took your deposition, and you ask if he is reliable.

In reply to your letter you are informed that it appears from the records of the Commission that you made application for the identification of yourself and minor children as Mississippi Choctaws. The Secretary of the Interior, on January 25, 1902, approved the decision of the Commission refusing said application, and on February 5, 1902, you were duly notified of such departmental action. The Commission considers this case closed and cannot receive or consider further evidence in support thereof.

You are further advised that no person by the name of George C. Colbert has been authorized by this Commission or by the Secretary of the Interior to secure evidence in Mississippi Choctaw cases.

Respectfully,

Chairman.

M C R 59

Muskogee, Indian Territory, April 23, 1903.

R. W. Harrison,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in which you ask "I wish you would please inform me as to the status of one Jack Gray, claimed to be Mississippi Choctaw."

In reply to your letter you are informed that it does not appear from our records that any person by the name of Jack Gray is an applicant to this Commission for identification as a Mississippi Choctaw.

Our records do show, however, that on June 15, 1900, at Colbert, Indian Territory, John Wilson Gray made application to this Commission for the identification of himself and minor children as Mississippi Choctaws. On September 4, 1900, the Commission rendered its decision refusing said application, and on December 3, 1900, the record in the case, together with the decision of the Commission, was forwarded to the Secretary of the Interior.

The Secretary of the Interior, on January 25, 1902, approved the decision of the Commission refusing said application, and the Commission now considers this case closed.

Respectfully,

Chairman.

James Gray 3/4 blood

John Wilson Gray
Lucy Gray White
wife

- 159 × John Wilson Gray
  Mollie Gray White
  wife
  × Dismd - action of Comr approved by Dept Jany 25. 1902
  - 159 Euclid L. Gray
  - " Pearl J. Gray
  - " Addie L. Gray
  - " Annie J. Gray
  - " John O. Gray
  - " Fannie L. Gray
- 161 × Rufus L. Gray
  Addie Jane Gray, White,
  Wife
  × Dismd - Action of Comr approved by Dept Jany 25. 1902
  - 161 Owen J. Gray
  - " James R. Gray
  - " John O Gray
- 162 × Moses (Mossie) Gray
  ? Nell Gray, White,
  wife
  × Dismd. Action of Comr approved by Dept Jany 25. 1902
  - 162 John Earl Gray
- 235 Fannie Jackett
  Fr Turney
  Thomas Jackett White
  husband
  - 235 Lacy Jackett
  - " Amanda Jackett
  - " Emery Jackett
  - " Lillie Jackett

Amanda Turney
nee Gray

Abe Turney White
husband

Decision to be prepared in
Case MCR 235 Fannie Jackett et al

MCR 59 John W. Gray et al
principal applicant

Choc McR 60 Ruth F. Henley

McR 60

IDENTIFICATION AS
A MISSISSIPPI CHOCTAW No. 60

Ruth F. Henley et al

REFUSED

DEPARTMENT ... 2

... 1902

FOR ... ENROLLMENT

... 1902

RECEIVED FOR ENROLLMENT
MAY 21 1902

... ENROLLMENT

... 1902

NOTICE OF DEPARTMENTAL ACTION
FOR ... APPLICANT. ... 1902

NOTICE OF DEPARTMENTAL ACTION
FOR ... FOR ... LAW
AND CHOCTAW ...

6o

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Ruth F. Henley
Et-al

Mississippi Choctaw- 5 0.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER/ JUNE 15, 1900.

In the matter of the application of Ruth F. Henley for identification as a Mississippi Choctaw, said Ruth F. Henley being sworn by Acting Chairman Bixby, testified as follows:

By the Commission:

Q What is your name? A Ruth F. Henley.
Q What is your age? A 25.
Q What is your postoffice address? A Silo, I.T.
Q Where do you now live? A Close to Silo.
Q How long have you lived in the Indian Territory? A 8 years.
Q Where did you live before going to Silo? A Close to Cale.
Q In the Choctaw Nation? A Yes.
Q In what Nation is Silo? A I believe it is in Chickasaw.
Q Where did you live before going to Cale? A In the Potawatamie country.
Q How long did you live there? A About 18 months, I believe.
Q Where did you live prior to going there? A Indiana.
Q How long did you live in Indiana? A I don't know.
Q About how long? A I reckon about 6 or 9 years.
Q Where did you live before going to Indiana? A Illinois.
Q How long did you live in Illinois? A About one year.
Q Where did you live before going to Illinois? A Kentucky.
Q How long did you live there? A About two years.
Q Where did you live before going there? A I was born there.
Q Does your name appear upon any of the tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever made application to the legally constituted authorities of the Choctaw Nation for citizenship in that Nation? A No.
Q Did you make application to this Commission in 1896 for citizenship in the Choctaw Nation? A No sir.
Q Have you ever before appeared before the Commission as an applicant for enrollment as a Choctaw Indian or for Identification as a Mississippi Choctaw? A No sir, I was to last fall, but on account of sickness my attorney appeared for me.

The records of the Commission are examined and no trace is found of any application having been made by Ruth F. Henley for herself or any application for her by anyone else for enrollment as a Choctaw Indian or for identification as an Mississippi Choctaw..

Q What is the name of your father? A William H. French.
Q Is he a white man or a Choctaw Indian? A A Choctaw Indian.
Q Living or dead? A Dead.
Q How long has he been dead? A Died in '81.
Q Did he ever live in the Indian territory? A No sir.
Q Do you know whether his name appears upon any of the tribal rolls of the Choctaw Nation? A I don't know- don't believe it does.
Q Do you know whether he ever made application through the tribal citizenship authorities of the Choctaw Nation for citizenship Choctaw citizenship? A I don't think he did.

The rolls of the Choctaw Nation and records of the Commission are examined and the name of William H. French is not found upon the Choctaw tribal rolls, and no record is found of his ever having made application to the lawfully constituted authorities of the Choctaw Nation for enrollment for citizenship in that nation.

Q What proportion of Choctaw blood did your father claim to have?
A 1/8.
Q What was the name of your mother? A Sarah E. Franch.
Q Was your mother a white woman or an Indian? A White woman.
Q Claim any proportion of Choctaw blood? A No sir.
Q What proportion of Choctaw blood do you claim? A 1/16.
Q Is your mother living? A Yes.
Q Where does she live? A Silo.
Q Indian Territory? A Yes.
Q Did you ever live in Mississippi? A No sir.
Q Did your father or mother ever live in Mississippi? A My mother never, I don't know whether my father did or not. His father was born and raised here.
Q What was the name of your father's father? A Amos Benjamin French.
Q Are you married? A Yes.
Q Where were you married? A In Potawatamie county, Oklahoma.
Q When? A January 14, 1894.
Q What is the name of your husband? A J. H. Henley.
Q Have you any children? A Yes.
Q What are their names and ages? A Lloyd five years old and George three years old.
Q Just two? A Yes.
Q Under what law were you married? A United States law
Q Do you desire to offer in evidence your marriage license and certificate? A No sir, I haven't them.
Q Do you make any claim for your husband? A No sir.
Q Do you make any claim for your children? A yes.
Q The foundation for the claim of your children is the same as your own? A yes.
Q Under what treaty do you claim as a Mississippi Choctaw? A 1830.
Q Do you claim under the whole treaty of 1830 or under any specific article of that treaty? A Under the whole treaty.
Q Then you do not claim under the supplement to the Treaty of 1830? A I don't know anything about that.
Q Do you claim under the 19th Article of that Treaty? A I claim under all the treaties from 1830.
Q You do not really understand what you do claim under do you? A No sir, but I claim under all the treaties.
Q Then you do not claim specifically under Article 14 of the Treaty of Dancing Rabbit Creek, do you? A I don't know anything about it.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit creek? A No sir.
Q Did your ancestors ever take advantage of the provisions of this 14th article of Dancing Rabbit Creek? A I don't know.
Q Did any of your ancestors ever take advantage of this 14th article? A I could not say.
Q Did you or any of your ancestors ever claim or receive any land asxb beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A No sir.
Q You are sure of that? A Yes.
Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir, I believe that is all.
Q Have you any papers you desire to file with the Commission at this time? A Yes.

The affidavit of Ruth F. Henley offered in evidence by applicant and identified as Exhibit A, and placed upon file.

The Commission is unable from the testimony in this case to identify you and your children Lloyd and George Henley as Mississippi Choctaws. The decision of the Commission showing more fully

Mississippi Choctaw R-60.
(3)

why it cannot identify you and your children, Lloyd and George, will be furnished you in writing and mailed to your present postoffice address.

Brown McDonald, being sworn by Acting Chairman Bixby, xxxx says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a true, full and complete transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 19th day of June, 1900, at Colbert, Indian Territory.

Acting Chairman.

W.F.
C.C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------:---------

In the matter of the application of Ruth F. Henley, et al., for identification as Mississippi Choctaws, M. C. R. 60.

--: D E C I S I O N :--

We find from the record in the above case of Ruth F. Henley, et al., that on June 15, 1900, the said Ruth F. Henley appeared before the Commission at Colbert, IndianTerritory, and there made personal application for the identification of herself and her two minor children, Lloyd and George Henley as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830 and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from William H. French, an alleged one eighth blood Choctaw and Sarah E. French, a white woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Ruth F. Henley, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation

in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in Kentucky in about the year 1875 and that for about eight years prior to the making of her original application she had been a resident of Indian Territory and claims to be an one sixteenth blood Choctaw. She attempts to trace her alleged Choctaw descent through her father to her grandfather, Amos Benjamin French, who she claims was born and raised in Mississippi, but there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact she expressly states that none of her ancestors ever claimed or received any land as beneficiaries under article fourteen of the treaty of "Dancing Rabbit Creek." There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The record in this case further shows that on March 1,

1901, there was forwarded by the Commission to Ruth F. Henley a written decision, denying the application she had made for the identification of herself and family as Mississippi Choctaws.

The Commission in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal applicant, by which it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from William H. French and Amos Benjamin French, respectively the father and the grandfather of the principal applicant herein. In order that these applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that they are descendants of a recognized Choctaw Indian who resided in the old Choctaw Nation in the states of Mississippi and Alabama in 1830, and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", as the head of a family, or who was the child of a recognized Choctaw head of a family who complied for said child, or who was complie for as the orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether William H. French or Amos Benjamin French, respectively the father and the grandfather of the principal applicant herein, was living in Mississippi in 1830 as a recognized Choctaw Indian, or which of them, if either, complied or attempted to comply with the provisions of article fourteen of the treaty of 1830; and the only search that can be made among the records of the Commission of those persons who complied or attempted to comply with

the provisions of article fourteen of the treaty of 1830, is for the names of William H. French and Amos Benjamin French, and it does not appear from said records that any persons bearing said names ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842 for the adjudication of such claims. Neither does it appear from the records in the possession of the Commission to the Five Civilized Tribes that there are affiliated with this case any other persons claiming descent or any rights as Choctaw Indians through William H. French or Amos Benjamin French, the alleged Choctaw ancestors of the applicants herein.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ruth F. Henley, Lloyd Henley and George Henley, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above

quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Commissioners.

Muskogee, Indian Territory,

MAY 13 1902.

COPY.

Land. 31549-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Washington, June 4, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made May 24, 1902, by the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of Ruth F. Henley, et al., for identification as Mississippi Choctaws claiming rights under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek.

The principal applicant in this case attempts to trace descent through her father, Wm. H. French, to her grandfather, Amos Benjamin French.

May 13, 1902, the Commission decided that the record was not sufficient to warrant the identification of the applicants as Mississippi Choctaws.

A careful search of the records in this office fails to show that either William H. French or Amor Benjamin French, the alleged ancestors of the principal applicant, complied or attempted to comply with the provisions of the fourteenth article of that said Treaty of Dancing Rabbit Creek,

or that they had whatever claims they possessed adjudicate under the provisions of the Acts of March 3, 1837 and August 23, 1842.

This office, therefore, concurs in the decision of the Commission refusing identification to the applicants herein, and respectfully recommends that said decision be affirmed by the Department.

Very respectfully,

Your obedient servant,

A. C. TONNER,

Acting Commissioner.

WCV
D

3 inclosures.

COPY.

D.C.10746-1902. J.W.H.
CMR

Department of the Interior.

I.T.D.-352-1902.

L.R.S. Washington, June 24, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 24, 1902, you transmitted the record in the proceedings in the application of Ruth F. Henley for the identification of herself and her two minor children, Lloyd and George Henley, as Mississippi Choctaws.

The principal applicant in this case attempts to trace descent through her father, William H. French, to her grandfather, Amos Benjamin French.

May 13, 1902, you refused the application, and the Acting Commissioner of Indian Affairs forwarded your decision on June 4m, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, William H. French and Amos Benjamin French, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1850, or with the acts of March 3, 1837 (5 Stat.,180), and August 23, 1842 (5 Stat., 513).

The Department, upon review of the whole case, approved your action, and your decision is affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Ruth Hanley
et al

McR
#60

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ruth F. Henley for the identification of herself and her minor children, Lloyd and George Henley, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Ruth F. Henley appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of herself and her minor children, Lloyd Henley and George Henley, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application of Ruth F. Henley for the identification of herself and her minor children, Lloyd Henley and George Henley, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, FEB 26 1901

R. 59.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John W. Gray et al.

1 11 MCR59

Department of the Interior,
Commission to the Five Civilized Tribes,
Gulbert, I.T., June 15, 1900.

In the matter of the application of John Wilson Gray for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A John Wilson Gray.
Q How old are you? A I was born in 1852.
Q What is your post office address? A Roberta, I. T.
Q How long have you lived in the Indian Territory? A I came here in December, 1894.
Q Where did you live before that? A In Arkansas.
Q How long had you lived in Arkansas? A I was born and raised there.
Q You never have lived in ~~xxxxxxxx~~ Mississippi? A No, sir.
Q What was the name of your father? A John Wilson Gray.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian or a white man? A He was a Choctaw Indian.
Q What proportion of Choctaw blood did he claim to have? A 1/4 or more.
Q Was his name ever on the Choctaw Tribal rolls? A His blood was on the roll.
Q I am asking about his name? A No, sir, John Wilson Gray's name was not.
Q Was he ever recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q What was the name of your mother? A Lucy.
Q Is she living? A No, sir.
Q Was she a white woman? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have? A 1/8 or more.
Q Has your name ever been on the Choctaw Rolls? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q Under which treaty do you claim? A All of them, all the treaties ever made between the Choctaw Indians and the United States.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No, sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
Q Are you married? A Yes, sir.
Q Are you making any claim for your wife? A No, sir.
Q Have you any children under 21 years of age and unmarried?
A Yes, sir.
Q What is your wife's name? A Mollie Jack, before she was married.
Q Did you marry her under Choctaw law? A No, sir.
Q Where did you marry her? A In Arkansas.
Q Have you your marriage license and certificate with you?
A No, sir.
Q Do these children all live with you? A Yes, sir.
Q Has their residence always been as near as you know? A Yes, sir.
Q What are their names and ages? A [illegible] was born June 15,

1885, Pearl J., born September 18, 1888, Addie L., born September 21, 1888, Annie T., born December 23, 1890, John Oliver, born March 15, 1893, Fannie L., born December 26, 1895.

Q Is there anything further that you would like to say in regard to your case at this time? A No, sir.

By Mr. J. S. Johnson, attorney: What age was you when your father died? A I was in my 13.

Q When did he die? A I don't recollect the date.

Q About as near as you can come at it? A Along in 1878 or 1879.

Q Where was it that he died, at what place? A In Van Buren County, Arkansas.

Q Where did he come from to Van Buren County? A From Mississippi.

Q Was you born in Van Buren County? A Yes, sir.

Q When did your mother die, before or after he died? A Before he died.

Q Then you were left an orphan at about 12 years of age? A Yes.

Q You say he came from Mississippi directly to Arkansas, is your information? A Yes, sir.

Q Have you any uncles or relatives, near relatives, living that you know of? A Not that I know of.

Q Outside of your brothers and sisters? A No, sir.

Q Mr. Gray, he asked you if you had ever been recognized? A I've have by a few Choctaws.

Q How long did you say you had been living in the Territory?

A From December, 1866.

Q Have you any reason why you didn't apply here for enrollment heretofore? A Yes, sir, I was ignorant about the case, and I didn't know how to get it started up, didn't know how to commence it.

Q Have you ever had any relatives or friends or persons that could identify you that you could come before the Commission heretofore? A No, sir, I didn't have any in this country.

Q In other words, you couldn't get the testimony to prove your claim? A No, sir.

Q You stated you were left an orphan boy? A Yes, sir.

Q Have you been recognized as an Indian in the neighborhood and country in which you have lived in the Territory? A Yes, sir, I have.

Q Do you say that you don't know that your father ever was enrolled and you know you never was enrolled? A No, sir, never was.

Q You never applied for enrollment? A No, sir.

Commissioner Sixby: Is there any evidence or papers you wish to offer? A Yes, sir.

Q You will be permitted to offer any documentary evidence which you may desire to.

(Affidavit of J. E. Eldridge, of John H. Nelson, of William Harris, affidavit of C. E. Thornley, and others, offered in evidence and placed on file.)

The Commission is unable from the testimony in this case to identify you as Mississippi Choctaws. The decision of the Commission, showing more fully why it cannot identify you and your family as Mississippi Choctaws will be furnished you in writing and mailed to you at your permanent post office address.

———o———

Jane Eileen Gray - 5.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct statement of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 27 day of June, 1900.

Commissioner.

REFUSED.

MEMORANDA.

JUN 15 1900 (Date) JUN 15 1900 1899.

Name John W. Gray (27) Roberta, I.T.

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes, (1/8) Mother's citizenship (N, S)

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, Mollie Gray (no)

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW

Names of children:

	County	Year	Page	No.
15. Euclid L.	County (1885)	Year	Page	No.
14. Pearl J.	County (1886)	Year	Page	No.
12. Addie L.	County (1888)	Year	Page	No.
10. Annie J.	County (1890)	Year	Page	No.
7. John O.	County (1893)	Year	Page	No.
5. Bannie L.	County (1895)	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

John W. Gray (father)
Lucy Gray (mother)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of John W. Gray and his six minor children.

The applicant, John W. Gray, appeared before the Commission at Colbert, Indian Territory, June 15th, 1900, and from his oral testimony given at that time in behalf of his own claim for identification as a Mississippi Choctaw and a claim that he makes for his six minor children as Mississippi Choctaws.

It appears from the evidence in this case that none of the applicants have ever been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th, 1898, (Curtis Bill, and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior; Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time not prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment; Provided, Further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of John W. Gray and his minor children, Euclid L/, Pearl J., Addie L., Annie T., John O. and Fannie L. Gray, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 4th 1900.

COPY.

Muscogee, Indian Territory,

September [illegible], 1900.

John W. Gray,

Roberta, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor children Euclid L., Pearl, Addie L. Annie E., John Oliver, and Fannie L. Gray for identification as Mississippi Choctaws, before the Commission at Colbert, Indian Territory, June 15th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

M. C. R. -9 .
Enc.
Registered mail.

John W. Gray et al

vs.

Choctaw Nation

Miss. Choc. Case No. R 59

Original testimony and all papers filed in this case forwarded Secretary of Interior,

Dec 3 - 1900

C O P Y .

Refer in reply to the following
Land
61036 - 1900.

DEPARTMENT OF THE INTERIOR.

Office of Indian Affairs,

Washington, January 25, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the records, including the judgment of the Commission to the Five Civilized Tribes in Mississippi Choctaw cases Nos. 59, 61 and 62, the applications of John W. Gray, et al, Rufus Gray, et al , and Moses Gray, et al, for enrollment of themselves and minor children as Mississippi Choctaws.

The applicants in these three cases refer to John William Gray as a common ancestor. It is therefore thought advisable to submit the papers in these cases in one communication to the Department.

The testimony filed in support of these cases is practically the same. The fact that they are descendants of James Gray an old Choctaw Indian who started to the West with the intention of taking up his residence in the Indian Territory, but on account of sickness stopped in the State of Arkansas where he died some years after. There is no evidence tending to support the claim that he was one of those Choctaws who elected to take advantage of the provisions of the 14th article of the Treaty of 1830 between

the United States and the Mississippi Choctaws.

The testimony shows that the applicants above mentioned were born in the State of Arkansas and are now living in the Indian Territory, that they never lived in the State of Mississippi nor have they ever been on any of the tribal rolls of the Choctaw Nation, nor recognized as citizens by the tribal authorities nor by the Commission to the Five Civilized Tribes. They claim under all the treaties ever made between the Choctaw Indians and the United States.

There is filed in support of the claims affidavits from John F. Nelson, William Harris, C. E. Thornley, et al. All these affiants seem to have had the idea that the testimony required of them was such that would be necessary to prove that the applicants and their children were Choctaws by blood. There is not a syllable of evidence in the record tending to connect them with that class of Indians called Mississippi Choctaws, who took advantage of the provisions of the 14th article of the Treaty of 1830.

The Dawes Commission refused the application of John W. Gray for himself and his minor children, Euclid L., Pearl J., Addie L., Anna T., John O. & Fannie L. Gray; of Rufus L. Gray and his minor children, Owen J., James L. and John O. Gray; and of Moses Gray and his minor child, John E. Gray, on the ground that the evidence is not sufficient to enable it to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under the 14th article of the Treaty of 1830.

The office after careful consideration of all the testi-

mony submitted in these cases is of the opinion that the claimants have failed to furnish such evidence as would enable it to identify them as Mississippi Choctaws under the 14th article of said treaty. The claimants in their testimony before the Commission to the Five Civilized Tribes at Colbert June 15, 1900, stated that neither they nor any of their ancestors ever took advantage of the provisions of said article of said treaty.

The application filed andsworn to by John Wilson Gray on the 6th day of June, 1900, (which is applicable to each of the claimants), is silent on this point and seems to have been made for the purpose of enrollment as Choctaws by blood.

The Commission base their judgment in all of the cases upon the promises that the applications were made for the purpose of being identified as Mississippi Choctaws; and that under the provisions of law, which give them authority to identify Choctaw Indians claiming rights in the Choctaw land under article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830, and that under the provisions of said treaty they have not been able after carefully considering the testimony to identify them as Mississippi Choctaws.

It is therefore recommended that the judgment of the Commission be affirmed, and proper notice of such action given the claimants herein.

Very respectfully,
Your obedient servant,

W. A. JONES,
Commissioner.

A. B. (E.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 5 1902

ACTING CHAIRMAN.

-Copy-

5988 J.P.

DEPARTMENT OF THE INTERIOR,

Washington.

I.T.D.
480-1902.
File 896-1898. C.

January 25, 1902.

L. R. S.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 23, 1902, the Commissioner of Indian Affairs transmitted the r ecords in the cases of John W. Gray for the enrollment of himself and his minor children, Rufus L. Gray for the enrollment of himself and his minor children, and Moses Gray for the enrollment of himself and his minor children, as Mississippi Choctaws, and recommended that your decisions rejecting the applications be concurred in .

It appears that none of the claimants have been enrolled or admitted to citizenship in the Choctaw Nation.

The parties making application state that neither they nor any of their ancestors ever took advantage of the fourteenth article of the treaty of 1830.

Referring to section 21 of the act of June 28, 1898, (30 Stat.,495), and to the act of May 31, 1900, (31 Stat., 221), you found that the evidence in the case is not sufficient to enable the Commission to identify the applicants as Mississippi Choctaws

entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830.

The Department concurs with your conclusions and your decisions are affirmed.

A copy of the Commissioner's letter is inclo sed.

Chester Howe, Attorney at Law, 623 F Street, N. W., this city, has entered his appearance in these cases.

Respectfully,

THOS. RYAN,

Acting Secretary.

EMD

1 inclosure.

COPY.

Muskogee, Indian Territory, February 5, 1902.

John Wilson Gray,
Roberts, Indian Territory.

Mississippi Choctaw
No. R 59

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of your application for the identification of yourself and your six minor children, Euclid L., Pearl J., Addie L., Annie T., John Oliver and Fannie L. Gray, as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in your case, refusing your application for ~~the identification~~ of yourself and your minor children as Mississippi Choctaws.

Yours truly,

(SIGNED) Tams Bixby.
Acting Chairman.

COPY.

Muskogee, Indian Territory, February 5, 1902.

J. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of John Wilson Gray for the identification of himself and his six minor children, Euclid L., Pearl J., Addie L., Annie T., John Oliver and Fannie L. Gray as Mississippi Choctaws, together with the decision of the Commission September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in this case, refusing the application for identification of John Wilson Gray and his minor children as Mississippi Choctaws.

Yours truly,

SIGNED Tams Bixby.

Acting Chairman.

M C R 59

COPY.

Muskogee, Indian Territory, February 5, 1902

Chester Howe,

623 F. Street, N.W.,

Washington, D.C.

Dear Sir:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of John Wilson Gray for the identification of himself and his six minor children, Euclid L., Pearl J., Addie L., Annie T., John Oliver and Fannie L. Gray as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in this case, refusing the application for the identification of John Wilson Gray and his minor children as Mississippi Choctaws.

Yours truly,

SIGNED) Tams Bixby.

Acting Chairman.

M C R 89

COPY.

Muskogee, Indian Territory, February 5, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the [redacted]nd Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of John Wilson Gray for the identification of himself and his six minor children, Euclid L., Pearl J., Addie L., Annie T., John Oliver and Fannie L. Gray, as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1908, in which he affirms the decision of the Commission in this case refusing the application for the identification of John Wilson Gray and his minor children as Mississippi Choctaws.

Yours truly,

SIGNED Tams Bixby.

Acting Chairman.

M C R 59

REFER TO M. C. R. 60

Ruth F. Kinley
Atoe

MOTHER'S TRIBAL ENROLLMENT			
AR	TOWN	No.	MOTHER'S OWNER	REMARKS	DAWES ROLL No.

Anna Benjamin French 1/4

William N French 1/8 Dead
wife
Sarah E French

mbr 60
Ruth F. French 25
married
J. N. Hurley

mbr 60
Lloyd French
George French

REGISTERED
MAY 1 1901
MUSKOGEE, IND. TER.

510
4/17

Reg no 42

Unclaimed

~~Ruth F. Henley,~~

~~Silo, Indian Territory.~~

R

106

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 26, 1901.

Ruth F. Henley,

Silo, I.T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor children for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Encl.hh
Reg.M.
M.C.R. 60

Second decision marked
Ruth F. Hurley because
first was bent out
undated.

3/16/1901.
a.B

Muskogee, Indian Territory, March 16, 1901.

Ruth F. Henley,

Silo, I. T.

Dear Madam-

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor children for identication as Mississippi Choctaws.

Yours truly,

Acting Chairman

Encl.hh
Reg.M.
M.C.R.60.

9

60

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 28 1903

CHAIRMAN

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
Official Business.
Penalty for private use, $300.

CADDO
APR
2
11 AM
1903
IND. T.

UNCLAIMED

Ruth F. Henley,

~~Caddo, Indian Territory.~~

CADDO
AP
2
11 A
1903

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 60.

Muskogee, Indian Territory, May 24, 1902.

Ruth F. Henley,

Silo, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May,1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Ruth F. Henley, et al., applicants for identification as Mississippi Choctaws.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty first section of the act of Congress of June 28, 1898 (30 Stats.495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Ruth F. Henley, Lloyd Henley and George Henley, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such

R F H 2.

action as may be taken by him.

Yours truly,

Acting Chairman

Registered.

60

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

AUG 4 1902

Acting Chairman

FILED
AUG 2 1902
IND. T.

FILED
JUL 1902

DURANT
JUL 9
9 AM

Unclaimed
Returned to the
writer

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

MUSKOGEE, I.T.
JUL 2
7 30 P.M.
1902

~~Ruth F. Hurley~~
~~Silo~~
~~I.T.~~

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M.C.R. 60.

Muskogee, Indian Territory, July 2, 1902.

Ruth F. Henley,

Silo, Indian Territory.

Dear Madam:

You are hereby advised that on the 24th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Ruth F. Henley, et al., of which decision you were duly advised by registered mail on the 24th day of May, 1902.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 60

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 6, 1903.

Ruth F. Henley,

Caddo, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 1st instant, in which you ask to be advised what disposition has been made of your case. You state that you appeared before the Commission at Colbert, Indian Territory.

In reply to your letter you are informed that it appears from the records of the Commission that on June 15, 1900, you made application for the identification of yourself and two minor children as Mississippi Choctaws.

On May 13, 1902, the Commission rendered its decision refusing your application, and on May 24, 1902, you were notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The Secretary of the Interior, on June 24, 1902, approved the decision of the Commission, and on July 2, 1902, you were notified of such departmental action.

The letters advising you of the procedure in your case were mailed to you at Silo, Indian Territory, your last known post

R F H 2

office address, and were returned to this office marked "unclaimed." Said letters are now herewith enclosed you.

Respectfully,

C. R. Greenidge

Commissioner in Charge.

McM 57

MEMORANDA.

(74) (Date) June 14, 1902 1899.

Name Ruth F. Henley, Lilac, I. T.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day, J. W. Henley (White man) no claim for Freedmen

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

5 Lloyd
3 Gertrude

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Father [illegible]
Mother [illegible]

(1/8) Dead
White

FOR INDENTIFICATION AS
A MISSISSIPPI CHOCTAW. R# 60

REFUSED.

Ruth F. Manley et al

Judgment written January 18, 1901
R.G.J.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT
FEB 26 1901

Commissioner.

Choc mcR 61 Rufus L. Gray

mcR 61

Citizen Court of Appeal

REFUSED.

DECISION RENDERED SEP 4 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.

SEP -5 1900

ACTING CHAIRMAN.

RECORD FORWARDED DEPARTMENT.

DEC -3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR.

JAN 25 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.

FEB -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

FEB -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

FEB -5 1902

REFER TO M. C. R. 59.

MCR61

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Rufus L. Gray for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Rufus LaFayette Gray.
Q How old are you? A I am 55.
Q What is your post office address? A McGee, I.T.
Q How long have you been living in the Indian Territory? A Ever since December, 1898.
Q Where did you come from to the Indian Territory? A Arkansas.
Q How long did you live in Arkansas? A I was raised there, except I lived in Texas 6 years.
Q Where were you born? A In Arkansas.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A John Wilson Gray.
Q Is he living? A No, sir.
Q Was he a white man or a Choctaw Indian? A He was an Indian.
Q What proportion of Choctaw blood did he claim to have? A 1/4 or more.
Q Was his name ever on the Tribal rolls of the Choctaw Nation?
A No, sir, not that I know of.
Q Was he ever recognized by the Tribal authorities as being a Choctaw Indian? A no, sir, not that I know of.
Q What was the name of your mother? A Lucy Gray.
Q Is she living? A No, sir.
Q Was she a white woman? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have? A 1/8 or more.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? Yes, sir.
Q Under which treaty do you claim? A Under all from 1830 up to the present time.
Q You claim under all the treaties from 1830 up to the present time? A Yes, sir.
Q Do you claim under the treaty of 1897? A No, sir, not under that; I claim under all of them.
Q You claim under that as well as under the others? A Yes, sir.
Q You don't base your claim upon any particular treaty? A No, sir, under all of them.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No, sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir, not that I know of.
Q Are you married? A Yes, sir.
Q Are you claiming anything for your wife? A No, sir.
Q Have you any children? A Yes, sir.
Q What is the name of your wife? A Addie June Gray.
Q Have these children always resided with you? A Yes, sir.
Q Did you marry under Choctaw law or United States law? A Under United States law.
Q Where? A In Texas.

Q When? A In 1884.
Q Do you wish to offer your marriage license and certificate in evidence? A Yes, sir, they will be filed hereafter.
Q What are the names and ages of your children? A Owen Jackson, born September 8. 1885, James Rufus, born February 22, 1888, John Oscar, born July 12, 1893.
Q Is there any additional statement that you would like to make at this time in regard to your case? A No, sir.
Q Have you any papers that you would like to file with the Commission relative to your case? A Yes, sir.
(Refers to all papers filed in the case of John Wilson Gray, as a part of the record in this case.)
Mr. J. S. Johnson, attorney: You claim, as I understand it, that you are a son of John Wilson Gray, he is dead? A Yes, sir.
Q When did he die, your father? A He died in I believe 1878.
Q At that place? A Englandston, Arkansas.
Q What was your age then? A 10 or 11 years old.
Q Was your mother then dead? A Yes, sir.
Q Where did your father move from when you came to Arkansas?
A I was told from Mississippi.
Q Where was he starting to when he got to Arkansas? AA To the Territory.
Q That is from hear say? A Of course; yes, sir, to the Choctaw Nation to join the tribe.
Q Then you were left an orphan there? A Yes, sir.
Q How long before you came to the Territory; how old were you when you came to the Territory? A I was I believe 33.
Q Have you ever applied to any tribal authorities for enrollment or identification? A No, sir.
Q Have you ever participated in elections in the Choctaw or Chickasaw Nation where you lived? A No, sir.
Q How have you been recognized by the Choctaws and Chickasaws, as an indian or as a white man? A As an indian.
Q You have been recognized as an indian by the people in the community? A Yes, sir.
Q Why is it that you never appeared before the Commission prior to this time? A Well, I never had a chance and didn't know how to commence it.
Q Did you ever have the evidence? A No, sir, I never had the evidence.
Q Is there any of your father's brothers, your uncles, or near relatives, living now that you know of? A No, sir.
Q Have you any relatives that you know of except your brothers and sisters, who are applicants here? A No, sir.
Q You stated a while ago in reply to his question that you claimed under all the treaties; do you know what treaties are? A No, sir.
Q Did you ever read one? A No, sir.
Q How much Choctaw blood do you claim? A 1/8.
Q He asked you whether any of your relatives were enrolled or not, do you know? A Well, I have been taught that our grandfather was.
Q You don't know that, you understood he was? A Yes, sir, I have understood it.
Q On what roll? A On the old Missisippi roll.
Q What was your grandfather's name? A James Gray.
Q Is he dead? A Yes, sir.
Q Did you ever see him? A Not that I recollect.
Commissioner Sixby: You claim to have been recognized by the Choctaws and Chickasaws as an indian? A Yes, sir, through the country

Rufus L. Gray - 5.

Q - The neighbors. You don't claim to have ever been recognized by the tribal authorities of either tribe? A No, sir.

The Commission is unable from the evidence in this case to identify you and your family as Mississippi Choctaws.

The decision of the Commission showing more fully why it can't identify you and your family under the provisions of the law of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 27 day of June, 1900.

COMMISSIONER.

2154-1901.

MC R 61

Rufus L. Gray, et al.

On June 15, 1900, Rufus Lafayette Gray appeared be[illegible] the Commission at Colbert, I.T. and applied for identification of himself and three children, Owen J., J[illegible] L. and John OL.Gray as Mississippi Choctaws. His post office is McGee, I.T. and his age thirty five. Judgment was rendered in his case, and copy mailed to applicant September 5,19[illegible] and on December 3, 1900, the original papers in this case were forwarded to the Secretary of the Interi[illegible]

February 26,1901.

AB

R. # 61

Evidence:
"Rufus Lafayette"
"Owen Jackson"
"James Rufus"
"John Oscar"

Judgment:
"Rufus L."
"Owen J."
"James L."
"John O."

R. MANGELSDORF.

choc MCR 62 Moses Gray

MCR 62

[illegible] ON AS
A MEMBER OF THE CHOCTAW

Moses Gray et al.

REFUSED.

DECISION RENDERED SEP 4 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
SEP -5 1900

ACTING CHAIRMAN.

RECORD FORWARDED DEPARTMENT.
DEC -3 1900

ACTION APPROVED BY SECRETARY OF INTERIOR.
JAN 25 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT.
FEB -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
FEB -5 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
FEB -5 1902

REFER TO M. C. R. 59.

R 62

R IDENTIFICATION AS
ISSISSIPPI CHOCTAW.

Moses Gray et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

-----o-----

In the matter of the application of Morris Gray for the enrollment of himself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Morris Gray.
Q What is your age? A 35.
Q Where do you live? A I live at McGee, I. T.
Q Is that your post office address? A Yes, sir.
Q How long have you lived at McGee? A I came there in 1896.
Q Where did you live before that? A Van Buren County, Arkansas.
Q How long did you live in Arkansas? A I was born and raised there.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A John Wilson Gray.
Q Is he living? A No, sir
Q Was he a white man or a Choctaw Indian? AA He was a Mississippi Choctaw Indian.
Q What proportion of Choctaw indian blood did he claim to have?
A 1/4.
Q Was his name ever on the tribal rolls of the Choctaw Nation?
A No , sir, not that I know of.
Q Was he ever recognised by the tribal authorities as being a Choctaw indian? A No, sir, I guess not.
Q What was the name of your mother? A Lucy Gray.
Q Is she living? A No, sir.
Q Was she a white woman or an indian? A A White woman.
Q What proportion of Choctaw indian blood do you claim to have?
A 1/8.
Q Has your name ever been on the Tribal rolls of the Choctaw Nation?
A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q You claim to be a Mississippi Choctaw, do you? A Yes, sir.
Q Under which treaty do you claim? A 1830 up to the present time.
Q You say you claim under the treaty of 1830 and all other treaties up to the present time? A Yes, sir.
Q Do you base your claim upon any particular article of any one of these treaties? A No, sir.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No, sir..
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q You say you are married? A Yes, sir.
Q What is the name of your wife? A Dell Gray.
Q Did you marry her under indian law? A No, sir, under Arkansas law.
Q When? A 1896.
Q Do you wish to offer your marriage license and certificate in evidence? A No, sir, not now.
Q Are your children living with you? A Yes, sir.
Q Their residence has always been the same as your own, has it?
A Yes, sir.

Morris Gray - 2.

Q Their claim to identification as Mississippi Choctaws is based upon the same treaties and articles of the treaties as your own, is it? A Yes, sir.

Q What are their names and ages? A John Earl is 3 years old, that is all.

Q Is there any additional statement you would care to make at this time?

(Papers offered in the case of John Wilson Gray referred to and made a part of this application.)

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission showing more fully why it cannot identify you or your child under the provisions of the law of June 28, 1898, as being entitled to identification as Mississippi Choctaws, will be furnished you in writing and mailed to you through the mails to your present post office address.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

REFUSED.

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900 ~~1900~~

Name Moses Gray (33) McGee, J. J.

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes (1/8) Mother's citizenship (N. S)

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

3. John E. County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

John Wilson Gray (father) (1/4)

Lucy Gray (mother)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for identification as Mississippi Choctaws of Moses Gray and his minor child.

The applicant, Moses Gray, appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and from his oral testimony given at that time on behalf of his claim for identification of himself and minor child as Mississippi Choctaws.

It appears from the evidence in this case that the applicants have never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission .

That their claim to recognition as citizens of the Choctaw Nation is by reason of their rights to be identified by this Commission as Mississippi Choctaws.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer paths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicants given at the time of their personal appearance before this Commission for examination, and the written evidence submitted by them in support of their application for identification as Mississippi Choctaws; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty.

The application for identification as Mississippi Choctaws of Moses Gray and his minor child, John E. Gray, is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, Sept. 4th, 1900.

COPY.

Muscogee, Indian Territory,
September 6th, 1900.

Moses Gray,
Muscogee, Indian Territory,

Dear Sir:

There is enclosed you herewith a copy of the decision of the Commission refusing the application made by you on your own behalf and on behalf of your minor child John Earl Gray for identification as a Mississippi Choctaw, before the Commission at Colbert, Indian Territory, June 15th, 1900.

The record in this case will be transmitted to the Honorable Secretary of the Interior for his consideration when the report of the Commission as to the identification of Mississippi Choctaws, authorized under the act of Congress of June 28th, 1898, is sent to him for approval.

Yours truly,

SIGNED Tams Bixby,
Acting Chairman.

M. C. R.-62.
Enc.
Registered mail.

Moses Gray et al.

vs.

Choctaw Nation

Mississippi Choctaw Case No. 62

Original testimony and all papers filed in this case forwarded Secretary of Interior,

December. 3rd. 1900.

Refer in reply to
the following:
Land
61036-1900.

-Copy-

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit, herewith, the records, including the judgment of the Commission to the Five Civilized Tribes in Mississippi Choctaw cases Nos. 59, 61 and 62; the applications of John W. Gray, et al, Rufus L. Gray, et al, and Moses Gray, et al, for enrollment of themselves and minor children as Mississippi Choctaws.

The applicants in these three cases refer to John Wilson Gray as a common ancestor. It is therefore thought advisable to submit the papers in these cases in one communication to the Department.

The testimony filed in support of these cases is practically the same. The fact that they are descendants of James Gray an old Choctaw Indian who started to the West with the intention of taking up his residence in the Indian Territory, but on account of sickness stopped in the State of Arkansas where he died some years after. There is no evidence tending to support the claim that he was one of those Choctaws who elected to take advantage of

the provisions of the 14th article of the Treaty of 1830 between the United States and the Mississippi Choctaws.

The testimony shows that the applicants above mentioned were born in the State of Arkansas and are now living in the Indian Territory; that they never lived in the State of Mississippi nor have they ever been on any of the tribal rolls of the Choctaw Nation, nor recognized as citizens by the tribal authorities nor by the Commission to the Five Civilized Tribes. They claim under all the treaties ever made between the Choctaw Indians and the United States.

There is filed in support of the claims affidavits from John H. Nelson, William Harris, C. E. Thornley, et al. All these affiants seem to have had the idea that the testimony required of them was such that would be necessary to prove that the applicants and their children were Choctaws by blood. There is not a syllable of evidence in the record tending to connect them with that class of Indians called Mississippi Choctaws, who took advantage of the provisions of the 14th article of the Treaty of 1830.

The Dawes Commission refused the application of John W. Gray for himself and his minor children, Euclid L., Pearl J., Addie L., Anna T., John O. & Fannie L. Gray; of Rufus L. Gray and his minor children, Owen J., James L. and John O. Gray; and of Moses Gray and his minor child, John E. Gray, on the ground that the evidence is not sufficient to enable it to identify them as Mississippi Choctaws entitled to rights in the Choctaw lands under the 14th article of the Treaty of 1830.

The office after careful consideration of all the testimony submitted in these cases is of the opinion that the claimants have failed to furnish such evidence as would enable it to identify them as Mississippi Choctaws under the 14th article of said treaty. The claimants in their testimony before the Commission to the Five Civilized Tribes at Colbert June 15, 1900, stated that neither they nor any of their ancestors ever took advantage of the provisions of said article in said treaty.

The application filed and sworn to by John Wilson Gray on the 6th day of June, 1900, (which is applicable to each of the claimants), is silent on this point and seems to have been made for the purpose of enrollment as Choctaws by blood.

The Commission base their judgment in all of the cases upon the promises that the applications were made for the purpose of being identified as Mississippi Choctaws; and that under the provisions of law, which give them authority to identify Choctaw Indians claiming rights in the Choctaw land under article 14 of the Treaty between the United States and the Choctaw Nation concluded September 27, 1830, and that under the provisions of said treaty they have not been able after carefully considering the testimony to identify them as Mississippi Choctaws.

It is therefore recommended that the judgment of the Commission be affirmed, and proper notice of such action given the claimants herein.

Very respectfully,
Your obedient servant,
W. A. JONES,
Commissioner.

A.B. (E.)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 5 1902

ACTING CHAIRMAN.

-Copy-

5988 J.P.

DEPARTMENT OF THE INTERIOR,

Washington.

I. T. D.
480-1902.
File 896-1898.

C.

January 25, 1902.

L. R. S.

The Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On January 23, 1902, the Commissioner of Indian Affairs transmitted the records in the cases of John W. Gray for the enrollment of himself and his minor children, Rufus L. Gray for the enrollment of himself and his minor children, and Moses Gray for the enrollment of himself and his minor children, as Mississippi Choctaws, and recommended that your decisions rejecting the applications be concurred in.

It appears that none of the claimants have been enrolled or admitted to citizenship in the Choctaw Nation.

The parties making application state that neither they nor any of their ancestors ever took advantage of the fourteenth article of the treaty of 1830.

Referring to section 21 of the act of June 28, 1898, (30 Stat., 495), and to the act of May 31, 1900, (31 Stat., 221), you found that the evidence in the case is not sufficient to enable

the Commission to identify the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830.

The Department concurs with your conclusions and your decisions are affirmed.

A copy of the Commissioner's letter is inclosed.

Chester Howe, Attorney at Law, 623 F Street, N. W., this city, has entered his appearance in these cases.

Respectfully,

THOS. RYAN,

Acting Secretary.

EMD

1 inclosure.

COPY.

Muskogee, Indian Territory, February 5,1902.

Morris Gray,
McGee, Indian Territory,

Mississippi Choctaw
No. R 62

Dear Sir:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of your application for the identification of yourself and your minor child, John Earl Gray, as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1902, in which he affirms the decision of the Commission in this case, refusing the application for identification of yourself and your minor child as Mississippi Choctaws.

Yours truly,

Tams Bixby.

Acting Chairman.

COPY.

Muskogee, Indian Territory, February 5, 1903.

Chester Howe,
623 F.Street, N. W.,
Washington, D.C.

Dear Sir:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior for his review, the record in the matter of the application of Morris Grey for the identification of himself and his minor child, John Earl Grey as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900, refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 23, 1903, in which he affirms the decision of the Commission in this case, refusing the application for identification of Morris Grey and his minor child as Mississippi Choctaws.

Yours truly,

(SIGNED). Tams Bixby.
Acting Chairman

M C R 62

COPY.

Muskogee, Indian Territory, February 5,1903.

Messrs.Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

On December 3, 1900, the Commission forwarded to the Secretary of the Interior, for his review, the record in the matter of the application of Morris Gray for the identification of himself and his minor child,John Earl Gray as Mississippi Choctaws, together with the decision of the Commission of September 4, 1900 refusing said application.

The Commission is now in receipt of a letter from the Secretary of the Interior, dated January 25, 1903, in which he affirms the decision of the Commission in this case, refusing the application for identification of Morris Gray and his minor child as Mississippi Choctaws.

Yours truly,

(SIGNED). Tams Dixby.
Acting Chairman.

R. # 62.

Evidence.
"Morris" Gray
"John Earl" "

1234- 1901.

M C R 62 Moses Gray, et al.

On June 15, Moses Gray, 23 years old, of McGee, I.T. appeared before the Commission at Colbert, I.T. and applied for identification for himself and one child, John E. Gray, as Mississippi Choctaws. On September 5, 1900, judgment was rendered and copy mailed to Moses Gray, and on November 3, 1900, the original papers in this case were transmitted to the Secretary of the Interior.

February 26, 1901. Atoka.

AB

Judgment.
"Moses" Gray
"John E."

E. M[illegible]

Muskogee, Indian Territory, February 28, 1901.

B. M. Jones,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant in which you desire to be informed if R. M. Gray, Faite Gray and Mose Gray are on the Choctaw or Chickasaw rolls, and in which you give information as to a dispute between yourself and these parties as to a certain tract of land.

Replying to your letter you are informed that a careful search of the records of this Commission does not disclose that any parties by the name of R. M. Gray or Faite Gray or Mose Gray have been listed for enrollment as citizens of either the Choctaw or Chickasaw Nations.

The records do show however, that on October 25th, 1900, at Muskogee, Indian Territory, Robert Monroe Gray, 42 years of age appeared before the Commission and made application for identification as a Mississippi Choctaw. The Commission has not up to this time rendered a decision as to his rights to such identification but contemplates doing so in the near future when a copy of such decision will be mailed to him at his present post-office address.

The records further show that on June 15th, 1900, Rufus Lafayette Gray, appeared before the Commission at Colbert, Indian Territory and made application for the identification of himself and his three minor children, Owen J., Jas. L. and John O. Gray as

Mr. M. J. 2

Mississippi Choctaws. His age given at this time was 35 years and his post-office address, McGee, Indian Territory. On September 5th, 1900, after a careful consideration of the testimony in his case, a decision was rendered by the Commission refusing his application for the identification of himself and children as Mississippi Choctaws and a copy of such judgment was on that date mailed to Mr. Gray. On December 3rd, 1900, the original papers in his case were forwarded to the Secretary of the Interior.

As to Moses Gray of whom you inquire, the records of the Commission show that on June 15th, 1900, Moses Gray, 33 years of age of Moses, Indian Territory, appeared before the Commission at Colbert Indian Territory and made application for the identification of himself and minor child, John M. Gray, as Mississippi Choctaws. On September 5th, 1900, a judgment was rendered by the Commission refusing such application and a copy of such decision was on that date mailed Mr. Gray. On December 5th, 1900, the original papers in his case were transmitted to the Secretary of the Interior.

You are further informed that the Commission cannot at this time enter into the merits of any controversy arising between citizens of the Choctaw and Chickasaw Nations as to the possession of any particular tract of land in the Choctaw-Chickasaw country. This is a question which will properly come before a land office when such an office is established in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two Nations to make selection of and file on their prospective allotments.

Yours truly,

Acting Chairman.

M. C. R 62

Choc MCR 63. Jennie Thurman

See MCR 64

MCR 63

Jennie Thurman et al

REFUSED.

DECISION RENDERED MAR 3. 1902

NOTICE OF DECISION MAILED APPLICANT.
MAR 3 1902

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS.
MAR 3 1902

NOTICE OF DECISION FORWARDED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.
MAR 3 1902

RECORD FORWARDED DEPARTMENT.
MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.
APR 29 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAY 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.
MAY 7 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.
MAY 7 1902

REFER TO M. C. R. 6x

Mic R62

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

———o———

In the matter of the application of Jennie Thurman for the enrollment of herself and child as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Jennie Thurman.
Q What is your age? A 28.
Q What is your post office address? A Cliff, I. T.
Q How long have you lived in the Indian Territory? A 12 years.
Q Where did you live before coming to the Indian Territory? A In Texas 2 years.
Q Where did you live before that? A Arkansas.
Q Were you born in Arkansas? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A A. J. Crowson.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian? A Yes, sir.
Q What proportion of Choctaw Indian blood does he claim to have? A 1/8.
Q Has his name ever been on the Choctaw Tribal Rolls? A No, sir.
Q Has he ever been recognized by the Tribal authorities as being a Choctaw Indian? A I don't know.
Q What is the name of your mother? A Josephine Crowson.
Q Is she living? A No, sir.
Q Was she a white woman or a Choctaw Indian? A She was a white woman.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A I went to Durant.
Q That was to apply to the Dawes Commission, wasn't it? A Yes, sir.
Q What I asked you was did you ever apply to the officers of the Choctaw Tribe for enrollment? A No, sir, not that I know of.
Q You would know whether you did or not? A Yes, sir, I think I would.
Q Did you apply to the Dawes Commission in 1896? A No, sir, I didn't, my father did.
Q Did he apply for you? A Yes, sir, I reckon so, I don't know whether he did or not.
(1896 Citizenship Docket C, page 320, Choctaw case No. 719. A. J. Crowson vs. the Choctaw Nation. Original application filed September 9, 1896. Answer of the Choctaw Nation filed. Application denied by the Commission December 3, 1896. Appealed to the United States for the Indian Territory, and the judgment of the Commission was reversed as to A. J. Crowson and sustained as to the other parties.)
Q Did you appear before the Commission at Durant? A Yes, sir.
Q Is your name Virginia? A My name is Jennie.
Q Is your husband named Jess. You claim now to be a Mississippi Choctaw, do you? A A descendant of a Mississippi Choctaw by blood.
Q You didn't say you were a Mississippi Choctaw when you applied to the Commission in Durant in 1899, did you? A I don't believe they asked me what I was.
Q Probably not, but you didn't claim to be a Mississippi Choctaw at that time? A I have been claiming to be a ~~Mississippi Choctaw~~ all my life.

Q But you didn't claim to be a Mississippi Choctaw? A No, sir, I never claimed it.
Q Under which treaty do you claim? A No particular treaty.
Q You don't claim exclusively under the Treaty of 1830? A No, Sir.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of 1830? A No, sir.
Q Did you or any of your anestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A Not that I know of.
Q Are you married? A Yes, sir.
Q Are you making any claim on behalf of your husband? A No, sir.
Q Have you any children? A Yes, sir, Im have one.
Q What is your husband's name? A Jess Thurman.
Q Did you marry him under Choctaw law? A No, sir.
Q Where did you marry him? A Sherman, Texas.
Q When? A December 2, 1897.
Q Do you wish to offer your marriage license and certificate in evidence at this time? A My lawyer has them.
Q Do you care to file them with the Commission? A I don't know, I don't reckon so.
Q What is the name of your child? A George Washington Thurman.
Q How old is he? A 4 months.
Q Is there any additional statement you would like to make at this time in regard to your case? A No, sir.
Q Is there anything more you think of that you would like to say?
A No, sir.
Q Have you any papers you would like to file?
(Affidavit of Jennie Thurman offered in evidence and placed on file, marked Exhibit A.)

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission showing more fully its reason why it can't identify you and your child as a Mississippi Choctaw will be furnished you in writing and mailed to your present post office address.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jennie Thurman for the identification of herself and her minor child, George Washington Thurman, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Jennie Thurman appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of herself and her minor child, George Washington Thurman, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty seventh, eighteen hundred and thirty, is found in section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Chctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Jennie Thurman

for herself and for her minor child, George Washington Thurman, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of Virginia Thurman for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Virginia Thurman, appeared before the Commission at Durant, Indian Territory, During the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of Virginia Thurman for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____day of _____, 1901.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 28nd, 1901.

Jennie Thurman,

Cliff, I.T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

encl.ddd
Reg½.M.
M.C.R. 63

COPY. M. C. R. 63.

Muskogee, Indian Territory, March 3, 1902.

Jennie Thurman,

Cliff, Indian Territory.

Madame:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Sorrell, et al.,	M C R 223
John M. Crowson,	M C R 49
Delerius Lee, et al.,	M C R 224

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gerrell, Addie Susan Gerrell, Monroe Price Gerrell, John E. Grewsem, Delerius Lee and Sterling Andrew Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in charge.

Registered.

M.C.R. 63

Muskogee, Indian Territory, May 6, 1902:

Virginia Thurman,

Cliff, Indian Territory.

Dear Madam:-

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Lee, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

REFUSED.

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900 ~~1900~~

Name Jennie Thurman, (20) Cliff, I.T.

Choctaw ~~Miss.~~ County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes. (1/16) Mother's citizenship (N.S.)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

~~Wife's name,~~ (Husband) Jess Thurman.

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

(Name) George N. ..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

A. J. Crowson, (father) (1/8)

Josephine Crowson, (mother)

Choc MCR 64 Emma Lee

Refused

See MCR 49, 63, 223, 224

See Petition #C-77
Loula West Case

MCR 64

Comma Lee

REFUSED.

DECISION RENDERED. MAR 1 1902

NOTICE OF DECISION MAILED APPLICANT.

MAR 3 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

MAR 3 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

APR 29 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

MAY 7 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

MAY 7 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 7 1902

REFER TO M. C. R. 49-63-223-224

See letter [illegible]

[illegible]

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Lee, et al., for identification as Mississippi Choctaws, consolidating the applications of

Emma Lee, et al.,	M.C.R. 64
Jennie Thurman, et al.,	M.C.R. 63
Missouri Gorrell, et al.,	M.C.R.223
John E. Crowson,	M.C.R. 49
Delorius Lee, et al.,	M.C.R.224

List of papers forwarded to the Secretary of the Interior with the record in the above case with page occupied by each in said record.

	Page.
Original application of Emma Lee, et al., for enrollment as Choctaws by blood,	1
Petition of Emma Lee, et al., for enrollment as Choctaws by blood,	3
Certified copy of decree of United States Court Central District, Indian Territory, in case of A. J. Crowson, vs. Choctaw Nation,	4
Affidavit of Emma Lee,	5
Affidavit of I. C. Turner,	6
Brief of attorneys for petitioner,	7
Original application of Emma Lee, et al., for identification as Mississippi Choctaws,	8
Petition of Emma Lee,	11
Copy of decree of United States Court, Central District, Indian Territory, in case of A. J. Crowson vs. Choctaw Nation,	12
Certified copy of marriage record between Isaac N. Lee and Miss Emma Crowson,	13

Decision of the Commission refusing the application of Emma Lee, et al., for identification as Mississippi Choctaws, 14

Copy of letter of Commission to Emma Lee, transmitting decision, 16

Registry Receipt, 17

Original application of Virginia Thurman for enrollment as a Choctaw by blood, 18

Original application of Jennie Thurman, et al., for identification as Mississippi Choctaws, 19

Petition of Jennie Thurman, 21

Petition of Jennie Thurman, 22

Certified copy of decree of United States Court Central District, Indian Territory, in case of A. J. Crowson vs. Choctaw Nation, 23

Marriage certificate between J. K. Thurman and J. A. Crowson,, 24

Original application of Missouri Gorrell, et al., for enrollment as Choctaws by blood, 25

Original application of Missouri Gorrell, et al., for identification as Mississippi Choctaws, 26

Petition of Missouri Gorrell, 28

Petition of Missouri Gorrell, 29

Statement of A. J. Crowson, 30

Certified copy of marriage record between S.P. Gorrell and Miss Missouri Crowson, 32

Copy of decree of United States Court, Central District, Indian Territory, in case of A.J.Crowson vs. Choctaw Nation 33

Decision of the Commission refusing application of Missouri Gorrell, et al., for identification as Mississippi Choctaws, 34

Copy of letter from Commission to Missouri Gorrell, transmitting decision, 36

Registry Receipt, 37

Original application of John A. Crowson for enrollment as a Choctaw by blood, 38

Original application of John R. Crowson for identification as a Mississippi Choctaw, 39

Petition of John Crowson, 41

Petition of John R. Crowson, 42

Affidavit of Ellen Axley, 43

Copy of decree of United States Court, Central District, Indian Territory, in case of A.J.Crowson vs. Choctaw Nation, 44

Original application of Delorius Lee for identification as a Mississippi Choctaw, 45

Petition of Delorius Lee, 47

Petition of Delorius Lee, 49

Copy of decree of United States Court, Central District, Indian Territory, in case of A.J.Crowson vs. Choctaw Nation, 50

M Marriage record between M. A. Lee and Miss Delores Crowson, 51

Decision of the Commission refusing the application of Delorius Lee, et al., for identification as Mississippi Choctaws, 52

Copy of letter from Commission to Delorius Lee transmitting decision, 54

Registry Receipt, 55

Final Decision of the Commission in the consolidated application of Emma Lee, et al., for identificationas Mississippi Choctaws, refusing said application, 56

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COPY

Refer in reply to
the following:
Land
18098-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 19, 1902.

The Honorable
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report dated March 3, 1902, from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, forwarding for the Department's consideration the record in the consolidated Mississippi Choctaw case of Emma Lee, et al.

The parties to this consolidated case apply for identification as Mississippi Choctaws entitled to rights in Choctaw lands by virtue of the provisions of the fourteenth article of the treaty of 1830.

Emma Lee makes application for the identification of herself and her minor child, Mary Josephine Lee; Jennie Thurman applies for the identification of herself and minor child, George Washington Thurman; Missouri Gorrell applies for the identification of herself and her two minor children, Addie Susan and Monroe Price Gorrell; John E. Crowson applies for the identification of himself; and Delorius Lee applies for the identification of

herself and her minor child, Sterling Andrew Lee.

These applicants attempt to trace their descent from A. J. Crowson, an alleged one-eighth blood Choctaw Indian, who, the record shows, claimed citizenship rights by virtue of a decree of the United States court for the central district of Indian Territory. Said A. J. Crowson is the father of each of the principal applicants.

It is alleged that A. J. Crowson, the father of all the principal applicants, is a descendant of Sallie Crowson (nee Anderson), who was the daughter of James Anderson, who was the son of David Anderson, a white man alleged to have been married to a Choctaw woman whose name is not given.

From the judgment of the court on August 27, 1897, in the case of A. J. Crowson v. The Choctaw Nation, it does not appear that any of the applicants in this consolidated case were parties plaintiff in that case, although the principal applicants are children of said A. J. Crowson.

March 3, 1902, the Commission found that the parties were not entitled to identification as Mississippi Choctaws, and at the same time the Commission notified each principal applicant, their attorneys, and the attorneys for the Choctaw and Chickasaw Nations, of its decision, and of the fact that the record would be forwarded to the Department for review.

These applicants, in addition to alleging that they are entitled to identification by virtue of the provisions of the fourteenth article of the treaty of September 27, 1830, also claim they are entitled to identification on account of the judgment of the United States court in the central district of the Indian Territory, declaring that said A. J. Crowson was a Choctaw Indian entitled to all the rights and benefits in the Choctaw Nation.

As the applicants in this case do not seem to have been parties plaintiff in said case, the office does not believe that they are entitled to any of the benefits of said judgments, neither does it believe that the evidence is sufficient to warrant their identification as Mississippi Choctaws in accordance with the provisions of the fourteenth article of the treaty of 1830.

A careful search of the records of the office has been made and no record has been found showing that A. J. Crowson, Sallie Crowson (nee Anderson), James or David Anderson, complied with the provisions of said article of said treaty, or that they, or either of them, had their claims, if any they had, adjudicated by the Commissions appointed under the Acts of March 3, 1837 and August 23, 1842.

It is therefore respectfully recommended that the decision of the Commission refusing to identify said parties as Mississippi Choctaws entitled to rights in the Choctaw Nation, be approved.

GAW
D

Very respectfully, Your obedient servant,

A.C.Tonner,
Acting Commissioner.

3 inclosures.

MER 64

(COPY

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DEPARTMENT OF THE INTERIOR. R

WASHINGTON.

I.T.D.2532-1902.
File 896-1898.

April 29, 1902.

L. R. S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

On March 3, 1902, you transmitted the record in the consolidated case, embracing the applications of the following mentioned persons for identification as Mississippi Choctaws:

Emma Lee et al.,
Jennie Thurman, et al.,
Missouri Gorrell, et al.,
John R. Crowson,
Delorius Lee et al.

The record in this case shows that none of the applicants has ever been enrolled by the tribal authorities of the Choctaw Nation as a member of that tribe, nor are their names found upon any of the tribal rolls of said nation in the possession of your Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of said nation, or by your Commission, or by a decree of the United States Court in Indian Territory.

It further appears that all of the applicants trace their Choctaw descent from one A. J. Crowson, an alleged one-eighth

blood Choctaw Indian, who is shown to have been admitted to citizenship in the Choctaw Nation by a decree of the United States Court for the Central District of Indian Territory in the case of A. J. Crowson versus the Choctaw Nation, rendered August 27, 1897. In this case none of these applicants appear as parties plaintiff, and they do not attempt to trace their ancestry any further back than the said A . J. Crowson.

You state that the records of said case of A. J. Crowson versus the Choctaw Nation show that said plaintiff claims descent from Sallie Crowson (nee Anderson), who was a daughter of James Anderson, who was the son of David Anderson, a white man, and a Choctaw woman, whose name is not given; that there is nothing in the evidence offered, or in the records in the possession of your Commission, tending to show that any of the alleged ancestors of said applicants were ever recognized members of the Choctaw tribe of Indians in Mississippi, or complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, or presented their claims under said article to either of the commissions authorized by acts of Congress approved March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513), for the adjudication of such claims. See opinion of the Assistant Attorney General of December 3, 1901, approved by the Department:

The Acting Commissioner of Indian Affairs forwarded said case on April 19, 1902, stating that a careful search of the

records of the Indian office fails to show the names of any of the alleged common ancestors of the appliqants among those who complied with the provisions of said fourteenth article, and he recommends that your decision be affirmed.

The Department has examined the record in this case and, no objection appearing thereto, your decision in rejecting said applicants is hereby approved.

A copy of the letter of the Acting Commissioner is herewith inclosed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary.

EMD

1 inclosure.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Emma Leupetal

McR
#64

Miss. Choc. R-64.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER., JUNE 15, 1900.

In the matter of the application of EMMA LEE for identification as a Mississippi Choctaw, said Emma Lee being sworn by Acting Chairman Bixby, testified as follows:

By the Commission:
Q Please state your name? A Emma Lee.
Q What is your age? A 28.
Q What is your postoffice? A Cliff, I.T.
Q Where do you live ? A Near Cliff, I.T.
Q In the Chickasaw or Choctaw Nations? A Chickasaw Nation.
Q What is the name of your father? A A. J. Crowson.
Q What is the name of your mother? A Josephine Crowson.
Q Is your father a white man or Choctaw Indian? A Choctaw Indian.
Q What proportion of blood does he claim? A 1/8.
Q Mother a white woman? A Yes.
Q Both living? A Mother is dead.
Q Where does your father live? A He lives on the Washita river in the Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A 7 years.
Qx Where did you live before going to the Choctaw Nation? A In Texas.
Q How long did you live in Texas? A two years.
Q Where did you live before living in Texas? A Arkansas.
Q How long? A 13 years.
Q Where did you live before that? A Was born there.
Q Then you never lived in Mississippi? A No sir.
Q Did your father ever live in Mississippi? A No sir.
Q Are you married? A Yes.
Q What is your husband's name ? A Isaac Lee.
Q Is he a white man? A Yes.
Q Does he live with you? A Yes.
Q Do you know what law you were married under? A United States.
Q Where? Pottsboro (?) Texas.
Q When? A August 5, 1888.
Q Do you desire to offer in evidence at this time your marriage license and certificate? A No sir, n t at this time.
Q Have you any children? A One.
Q What's the name of that child? A Mary Josephine Lee.
Q How old is she? A 6 years old 13th day of this coming July.
Q Has this child's residence always been with you? A Yes.
Q Living with you now? A yes.
Q Do you make application for her identification as a Mississippi Choctaw? A Yes.
Q Do you make any claim for your husband? A No sir.
Q Then the claim of your daughter, Mary Josephine Lee, has the same foundation as your own? A Yes by blood.
Q Does the name of your father appear upon the tribal rolls of the Choctaw Nation? A No sir.
Q Was he ever recognized by the proper constituted tribal authorities of the Choctaw Nation as a citizen of that Nation? A I cannot answer the question-- I don't know.
Q Did he make application in 1896 to the Dawes Commission for citizenship in the Choctaw Nation? A Yes.
Q Was your name included in the application of your father for citizenship in the Choctaw Nation in 1896? A No sir, it was not.
Q Does your name appear upon any of the tribal rolls of the Choctaw nation as a citizen of that Nation? A Yes. No sir.

Miss. Choc. R-64.
(2)

Q Were you ever admitted to citizenship in the Choctaw nation by properly constituted tribal authorities of that Nation? A No.
Q Did you apply to the Dawes Commission in 1896 for citizenship in the Choctaw nation? A No sir.
Q Have you ever before appeared before this Commission making application for enrollment as a Choctaw citizen? A Yes.
Q When and where? A Durant.
Q When? A I cannot tell the date I was there. It has been a year ago this coming September, I think.
Q Did you ever live in the Indian territory prior to the time you moved here about 8 years ago? A I lived in the Territory about 12 years ago.
Q How long did you stay in the Territory at that time? A 6 months and then came back to the Territory and stayed two years.
Q When you appeared before this Commission at South McAlester last year did you make application for identification as a Mississippi Choctaw or simply for enrollment as a Choctaw by blood? A I don't remember.
Q Didn't your father testify in your case? A I don't remember.
Q As a matter of fact did you ever hear of such a thing as a Mississippi Choctaw when you appeared before the Commission at South McAlester? A Yes, I have heard of them.
Q Under what treaty do you claim as a Mississippi Choctaw? A I don't claim under any; I claim under my mother's judgment.
Q Then you do not make application as a Mississippi Choctaw? A I claim under my father's judgment.
Q Under what treaty do you claim as a Mississippi Choctaw? A I don't claim under any treaty.
Q Do you claim under Article 14 of the Treaty of Dancing Rabbit Creek? A No sir.
Q Do you claim under Article 19 of the Treaty of 1830? A No sir.

Q Did you or your ancestors ever take advantage of the provisions of Article 14 of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did you or your ancestors ever claim or receive any land as beneficiaries under Article 14 of the Treaty of Dancing Rabbit Creek? A No sir.
Q I believe you stated you made no claim as to your husband? A No sir, I don't.
Q Your name did not appear in the original application made by your father, A. J. Crowson, in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir, it did not.
Q Neither did your name appear in the judgment of the United States Court on appeal from the decision of the Five Civilized Tribes in the case of A. J. Crowson v. the Choctaw Nation? A I don't know; don't think that it did.

Record "C" of applications for citizenship in the Choctaw Nation made to the Commission to the Five Civilized Tribes during the year 1896, under Act of June 10, 1896, is examined and on page 320 appears the case of A. J. Crowson et al., v. Choctaw Nation, being number 719. Record shows this case filed on September 9, 1896, answer filed and application denied December 3, 1896; case appealed to the United States Court and judgment of the Commission to the Five Civilized Tribes accompanying the applicant reversed as to A. J. Crowson and sustained as to the other applicants contained in the original application.

Q Is there any addition statement in regard to your case that you desire to make at this time? A No sir.
Q Have you any papers that you desire to offer in evidence at this time? A No sir.

Miss. Choc. R-64.
(3)

The Commission is unable from the testimony in this case to identify you and your daughter, Mary J. Lee, as Mississippi Choctaws under Act of June 28, 1898. Decision of the Commission showing more fully why it cannot identify you and your daughter Mary J. Lee will be furnished you in writing, mailed to your present postoffice address.

Your Enrollment and the enrollment of your daughter, Mary J. Lee, as citizens by blood of the Choctaw Nation is refused for the reason that neither your name, nor the name of your daughter, Mary J. Lee, appear upon the tribal rolls of citizens of the Choctaw Nation now in possession of this Commission, and for the further reason that you have never been admitted to citizenship in the Choctaw Nation by the legally constituted authorities of said nation, and for the further reason that you nor your said daughter were admitted to citizenship by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896, or by a judgment of the United States court in the Indian Territory.

Brown McDonald, being sworn by Acting Chairman Bixby, says as Stenographer to the Commission to the Five Civilized Tribes, he reported the testimony of the above named applicant in full, and that the foregoing is a full, true and complete transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 19th day of June, 1900, at Wolbert, Indian Territory.

Acting Chairman.

Chickasaw

Cyff 33

MEMORANDA.

A Crowson

6/15 1900

(Date) ..... 1899.

Name Emma Lee (1/16) (28)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, hus Isaac Lee Nov. 6th No Chaun

Wife's name, ...

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

(6) Names of children

Mary J. Lee	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION ONLY MISSISSIPPI CHICKASAW

(1/2)

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Lee for the identification of herself and her minor child, Mary Josephine Lee, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Emma Lee appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of herself and her minor child, Mary Josephine Lee, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of thetreaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Emma Lee for

herself and for her minor child, Mary Josephine Lee, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, FEB 2 190

H.C.R.
C.W.
W.O.B.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

-------x-------

In the matter of the application of Emma Lee, et al., for identification as Mississippi Choctaws, consolidating the applications of

Emma Lee, et al.,	M.C.R. 64
Jennie Thurman, et al.,	M.C.R. 63
Missouri Gorrell, et al.,	M.C.R. 223
John E. Crowson,	M.C.R. 49
Delorius Lee, et al.,	M.C.R. 224

---x---

---: D E C I S I O N :---

The record in the above consolidated case shows that there were, originally, five applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of Emma Lee for the identification of herself and her minor child, Mary Josephine Lee, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Jennie Thurman for the identification of herself and her minor child, George Washington Thurman, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Missouri Gorrell for the identification of herself and her two minor children, Addie Susan, and Monroe Price Gorrell, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 13, 1900.

In the matter of the application of John E. Crowson for the identification of himself as a Mississippi Choctaw,

taken at Colbert, Indian Territory, June 14, 1900.

In the matter of the application of Delorius Lee for the identification of herself and her minor child, Sterling Andrew Lee, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 13, 1900.

While these several applications have been consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Emma Lee, et al., that during the month of August 1899, the said Emma Lee appeared before the Commission at Durant, Indian Territory, and there made application for the enrollment of herself and her minor child, Mary J. Lee, as Choctaws by blood, and that their enrollment was refused by the Commission for the reason that their names did not appear upon the Choctaw tribal rolls. Thereafter, on June 15, 1900, the said Emma Lee appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, Mary Josephine Lee, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from A. J. Crowson, an alleged one eighth blood Choctaw, who married Josephine Crowson,

a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Emma Lee, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats.,321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of a decree of the United States Court, Central District, Indian Territory, rendered in the citizenship case of A. J. Crowson vs. the Choctaw Nation, the ex parte affidavits of Emma Lee and I. C. Turner, (all of the above filed with the original application for enrollment), what purports to be a copy of the decree of the United States Court, Central District, Indian Territory, rendered in the citizenship case of A. J. Crowson vs. Choctaw Nation, and a certified copy of the marriage record between Isaac N. Lee and Miss Emma Crowson. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Arkansas in about the year 1872, and that for seven years prior to the making of heroriginal application had been a resident of Indian

Territory, but she does not state how much Choctaw blood she is possessed of. She does not attempt to trace her alleged Choctaw descent any farther back than to her father, and there is nothing in her statement which tends to show that any of her alleged Choctaw ancestors ever resided in the state of Mississippi and were there recog nized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In her oral statement, the principal applicant claims her right to identification as a Mississippi Choctaw solely because of the fact that her father, A. J. Crowson, was admitted to citizenship in the Choctaw Nation by decree of the United States Court, Central District of Indian Territory, and in support of this contention she files two copies of the decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation, (a certified copy of which is filed with the application for enrollment as Choctaws by blood, and what purports to be a copy with her application for identification as Mississippi Choctaws), and from an examination thereof it is found that one A. J. Crowson, the alleged father of the principal applicant, was admitted to citizenship in the Choctaw Nation by said decree; but there is nothing in said decree or in the evidence upon which said decree was based which tends to show that the said A. J. Crowson or any of his alleged Choctaw ancestors through whom he derives his Choctaw blood were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The affidavit of I. C. Turner is simply to the effect that he knows that copies of the papers

in the original application of Emma Lea for enrollment as a Choctaw by blood were forwarded to the Governor of the Choctaw Nation. The affidavit of Emma Lea is simply to the effect that the affiant is the applicant herein, and a daughter of A. J. Crowson, whom she alleges is a Choctaw Indian and was admitted to citizenship in the Choctaw Nation by decree of the United States Court, Central District, Indian Territory. There is nothing in either of these affidavits which tends to show that any of the alleged Choctaw ancestors of the principal applicant ever resided in the state of Mississippi and were there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the two written petitions of the principal applicant (one for enrollment as a Choctaw by blood, the other for identification as a Mississippi Choctaw), but they cannot be considered in evidence as they are simply statements of the facts expected to be proven by her.

The next in order of the above applications is that of Jennie Thurman, et al., and the record therein shows that during the month of August, 1899, the said Jennie Thurman appeared before the Commission at Durant, Indian Territory, and there made application for enrollment as a Choctaw by blood, giving her name as Virginia Thurman, and that her enrollment was refused by the Commission for the reason that her name did not appear upon the Choctaw tribal rolls. Thereafter, on June 15, 1900, the said Jennie Thurman appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, George Washington Thurman, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830

and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principalapplicant claims descent from A. J. Crowson, an alleged oneeighth blood Choctaw, who married Josephine Crowson, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Jeanie Thurman, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of the decree of the United States Court, Central District, Indian Territory, in citizenship case of A. J. Crowson vs. Choctaw Nation, and the marriage certificate between J. K. Thurman and J. A. Crowson. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Arkansas in about the year 1874, and that for twelve years prior to the making of her original application had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. She

does not attempt to trace her alleged Choctaw descent any farther back than to her father, and there is nothing in her statement which tends to show that any of her alleged Choctaw ancestors ever resided in the state of Mississippi and were there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In her oral statement, the principal applicant claims the right to identification as a Mississippi Choctaw solely because of the fact that her father, A. J. Crowson, was admitted to citizenship in the Choctaw Nation by decree of the United States Court, Central District, Indian Territory, and in support of this contention she has filed a certified copy of the decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation, and from an examination thereof it is found that one A. J. Crowson, the alleged father of the principal applicant, was admitted to citizenship in the Choctaw Nation by said decree; but there is nothing in said decree or in the evidence upon which said decree was based which tends to show that the said A. J. Crowson or any of his alleged Choctaw ancestors through whom he derives his Choctaw blood were ever recognized members of the Choctaw tribe of Indians in the state of Mississippi or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The marriage record filed herewith is simply proof of the marriage between the principal applicant and her husband and of the legitimacy of the minor child for whom application is made. There is also filed

herewith the two written petitions of the applicant, but they cannot be considered in evidence as they are simply statements of the facts expected to be proven by her.

The next in order of the above applications is that of Missouri Gorrell, et al., and the record therein shows that during the month of August, 1899, the said Missouri Gorrell appeared before the Commission at Durant, Indian Territory, and there made application for the enrollment of herself and her two minor children, Addie S., and Monroe P. Gorrell, as Choctaws by blood, and that their enrollment was refused by the Commission for the reason that their names did not appear upon the Choctaw tribal rolls. Thereafter, on June 13, 1900, the said Missouri Gorrell appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children, Addie Susan, and Monroe Price Gorrell, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from A. J. Crowson, an alleged one eighth blood Choctaw, who married Josephine Crowson, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Missouri Gorrell, and her two minor children for whom

application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces a certified copy of the marriage record between S. P. Gorrell and Miss Missouri Crowson, and what purports to be a copy of a decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Arkansas in about the year 1875, and that for eight years prior to the making of her original application had resided in Indian Territory, and is an one sixteenth blood Choctaw. She does not attempt to trace her alleged Choctaw descent any farther back than to her father, and there is nothing in her statement which in any way tends to show that any of the alleged Choctaw ancestors of the principal applicant ever resided in the state of Mississippi and were there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In her oral statement, the

principal applicant claims the right to identification as a Mississippi Choctaw solely because of the fact that her father, A. J. Crowson, was admitted to citizenship in the Choctaw Nation by decree of the United States Court, Central District Indian Territory, and in support of this contention she has filed what purports to be a copy of the decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation, (a certified copy of which is filed in the application of Emma Lee, et al., consolidated herewith), and from an examination thereof it is found that one A. J. Crowson, the alleged father of the principal applicant, was admitted to citizenship in the Choctaw Nation by said decree; but there is nothing in said decree or in the evidence upon which said decree was based which tends to show that the said A. J. Crowson or any of his alleged Choctaw ancestors through whom he derives his Choctaw blood were ever recognized members of the Choctaw tribe of Indians in Mississippi or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The certified copy of the marriage record filed herewith is simply evidence of the marriage between the principal applicant and her husband and of the legitimacy of the minor children applied for. There is filed herewith what purports to be a statement of A. J. Crowson, but it is neither signed by him nor attested and therefore cannot be considered in evidence. There is also filed herewith the two written petitions of the applicant, but they cannot be considered in evidence as they are simply statements of the facts expected to be proven by her.

The next in order of the above applications is that of

John E. Crowson, and the record therein shows that during the month of August, 1899, the said John E. Crowson appeared before the Commission at Durant, Indian Territory, and there made application for enrollment as a Choctaw by blood, and that his enrollment was refused by the Commission for the reason that his name did not appear upon the Choctaw tribal rolls. Thereafter, on June 14, 1900, the said John E. Crowson appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from A. J. Crowson, an alleged one eighth blood Choctaw, who married Josephine Crowson, a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, John E. Crowson, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside

from the oral statement of the principal applicant, embraces the ex parte affidavit of Ellen Axley and what purports to be a copy of the decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Arkansas in about the year 1878, and that for fifteen years prior to the making of his original application had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. He does not attempt to trace his alleged Choctaw descent any farther back than to his father, and there is nothing in his statement which tends to show that any of his alleged Choctaw ancestors were ever residents of the state of Mississippi and recognized members of the Choctaw tribe of Indians in that state, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In his oral statement, the principal applicant claims the right to identification as a Mississippi Choctaw solely because of the fact that his father, A. J. Crowson, was admitted to citizenship in the Choctaw Nation by decree of the United States Court, Central District, Indian Territory, and in support of this contention he has filed what purports to be a copy of the decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation, (a certified copy of which is filed in the application of Emma Lee, et al., consolidated herewith), and from an examination thereof it is found that one A. J. Crowson, the alleged father of the principal applicant, was admitted to citizenship in the Choctaw Na-

tion by said decree; but there is nothing in said decree or in the evidence upon which said decree was based which tends to show that the said A. J. Crowson or any of his alleged Choctaw ancestors through whom he derives his Choctaw blood were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Ellen Axley it is simply attempted to be shown that the affiant is acquainted with the family of the applicant and knows that his father and mother were married in Arkansas in the year 1871, but there is nothing in said affidavit which tends to show that any of the alleged Choctaw ancestors of the principal applicant were possessed of Choctaw blood, or that they ever resided in the state of Mississippi and were there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There are also filed herewith the two written petitions of the applicant, but they cannot be considered in evidence as they are simply statements of the facts expected to be proven by him.

The last in order of the above applications is that of Delorius Lee, et al., and the record therein shows that on June 13, 1900, the said Delorius Lee appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, Sterling Andrew Lee, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States

government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of Dancing Rabbit Creek. The principal applicant claims descent from A. J. Crowson, an alleged one quarter blood Choctaw Indian, who married Josephine Crowson, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Delorius Lee, and her minor child for whom application is made have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Terrritory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces what purports to be a copy of the decree of the United States Court in Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation, and the marriage record between M. A. Lee and Miss Dolores Crowson. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Arkansas in about the year 1883, and has lived in Indian Territory nearly all her life, but she does not state how much Choctaw blood she is possessed of. She does not attempt to trace her alleged Choctaw descent any farther back than to her father, and there is

nothing in her statement which tends to show that any of her alleged Choctaw ancestors ever resided in Mississippi and were there recognized members of the Choctaw tribe of Indians, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. In her oral statement, the principal applicant claims the right to identification as a Mississippi Choctaw solely because of the fact that her father, A. J. Crowson, was admitted to citizenship in the Choctaw Nation by decree of the United States Court, Central District, Indian Territory, and in support of this contention she has filed what purports to be a copy of the decree of the United States Court, Central District, Indian Territory, in the citizenship case of A. J. Crowson vs. the Choctaw Nation, (a certified copy of which is filed in the application of Emma Lee, et al., consolidated herewith), and from an examination thereof, it is found that one A.J.Crowson, the alleged father of the principal applicant, was admitted to citizenship in the Choctaw Nation by said decree; but there is nothing in said decree or in the evidence upon which said decree was based which tends to show that the said A. J. Crowson or any of his alleged Choctaw ancestors through whom he derives his Choctaw blood were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The marriage record filed herewith is simply proof of the marriage between the principal applicant and her husband, and of the legitimacy of the minor child applied for. There are filed herewith the two written petitions of the principal applicant, but they cannot be considered in evidence

as they are simply statements of the facts expected to be proven by her.

The record in these cases shows that on February 18, 1901, there was forwarded by the Commission to Delorius Lee a written decision refusing the application she has made for the identification of herself and her minor child as Mississippi Choctaws; that on February 26, 1901, there was forwarded by the Commissio to Missouri Gorrell a written decision refusing the application she had made for the identification of herself and her two minor children as Mississippi Choctaws; and on March 1, 1901, there was forwarded by the Commission to Emma Lee a written decision refusing the application she had made for the identification of herself and her minor child as Mississippi Choctaws.

Under departmental instructions of June 10, 1901, and July 25, 1901, these several applications have been consolidated under the head of Emma Lee, et al., the applicants claiming descent from the same common ancestor.

The Commission, considering that the applicants in this group of consolidated cases have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the only evidence offered therein is that given by the several applicants at the making of their original applications and the ex parte affidavits and other documentary evidence filed by them, and all of which tends to show that the several applicants claim their Choctaw descent from one A. J. Crowson, an alleged one eighth blood Choctaw Indian, who is shown to have been admitted to citizenship in the Choctaw Nation by a decree of the United States Court for the Central District of the Indian Territory, in the

citizenship case of A. J. Crowson vs. the Choctaw Nation, and each and every applicant in this group of consolidated cases states emphatically in his or her oral statement, that they base their claim to identification as Mississippi Choctaws solely upon the ground that their father, A. J. Crowson, was so admitted to Citizenship in the Choctaw Nation. There is no attempt made by any of the applicants to trace their alleged Choctaw descent back to some ancestor who was living in the state of Mississippi in the year 1830, and who might have complied with the provisions of article fourteen of the treaty of 1830; and from an examination of the records of the Commission in the citizenship case of A. J. Crowson vs. the Choctaw Nation, it appears that the said A. J. Crowson, who is alleged to have been the father of all the applicants in this group of consolidated cases, claimed descent from Sallie Crowson (nee Anderson) who was a daughter of James Anderson, who was a son of David Anderson, a white man, and a Choctaw woman, name not given. It further conclusively appears from the records in said case that the said James Anderson and his daughter Sallie Crowson, the ancestors of these applicants, were living at Doaksville, Indian Territory, for some time prior to the year 1837, and therefore could not have complied with the provisions of article fourteen of the treaty of 1830. It is therefore shown beyond the peradventure of a doubt that these applicants are not the descendants of Choctaw Indians who remained in the state of Mississippi after the treaty of 1830 was concluded and complied or attempted to comply with the provisions of article fourteen of that treaty, but are rather the descendants of Choctaw Indians who emigrated from Mississippi to the Choctaw Nation, Indian Territory, between the years 1833 and 1838. And there is

nothing in any of the evidence offered which in any way tends to show that any of the alleged Choctaw ancestors of the applicants herein were ever recognized members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830.

It does not appear from an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, that any persons bearing the names as borne by the common ancestors of these applicants ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gerrell, Addie Susan Gerrell, Monroe Price Gerrell, John R. Crowson, Delorius Lee and Sterling Andrew Lee

as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

C. R. Breckinridge.

Commissioners.

Muskogee, Indian Territory,

MAR 3 1902

CHEROKEE NATIO

TRIBAL ENROLLMENT

SEX _____ YEAR _____ DISTRICT _____ No. _____ SLAVE OF— NAME OF FA

REFER TO M.C.R. 624

Emma Lee et al

Consolidated Case

David Anderson
wife
a Choctaw woman
name not given

Parents of

James Anderson
wife
name not given

Sally Anderson Dead
married
First James Larrame Dead
Second John Crowson Dead

A. J. Crowson
wife divorced by U.S. Court
First Josephine Crowson Dead
Second Mary Elizabeth Crowson Dead

mB R 6 1st — Emma Crowson 28 —
married
Grace Lee white

mB R 6 1st — Mary Josephine Lee 6

mB R 6 3 — Jennie Crowson 26 1/16
married
Jas Thurman

mB R 6 3 — George Washington Thurman 4 mos

mB R 4 3 — Missouri Crowson 25 1/16
married
Sterling Price Gorrell

mB R 4 3 — Addie Susan Gorrell 6
" — Monroe Price Gorrell 2

mB R 4 9 — John E. Crowson 22 1/16

mB R 2 2d — Deloris Crowson 17
married
Marion Lee

mB R 2 2d — Sterling Andrew Lee 10 mos

Chr R 5 90 — Pallie Belle Crowson 6
" — Reuben A Crowson 6

7-R165

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma Lee for the enrollment of herself and child, Mary J. Lee, as citizens by blood of the Choctaw Nation.

DECISION.

The applicant, Emma Lee, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for the enrollment of herself and minor child, Mary J. Lee, as citizens by blood of the Choctaw Nation.

It appears from the evidence in this case that the applicant, Emma Lee, is the daughter of one A. J. Crowson, who was admitted to citizenship in the Choctaw Nation by a judgment of the United States Court for the Central District of the Indian Territory, sitting at South McAlester, August 27th, 1897, but it is found that the name of the applicant does not appear in said judgment, and she could have acquired no right to enrollment thereunder.

It further appears from the records in the possession of the Commission, and the evidence in this case, that neither the name of the applicant, nor that of her minor child, appeared upon any of the tribal rolls of the Choctaw Nation, and that neither the applicant nor her minor child was ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

It is therefore the opinion of the Commission that the said Emma Lee is not entitled to enrollment by this Commission and neither is her minor child, Mary J. Lee, consequently the application made

for their enrollment is hereby refused.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory. _____, 1901.

Second copy of decision mailed applicant Emma Lee for the reason that the first was sent out undated.

3/15/1901.
A.B.

Muskogee, Indian Territory, March 18, 1901.

Emma Lee,

Cliff, I. T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Encl.hh
Reg.Mail
M.C.R.64

COPY.

M. C. R. 64.

Muskogee, Indian Territory, March 3, 1902.

Emma Lee,

Cliff,

Indian Territory.

Madame:

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Gorrell, et al.,	M C R 223
John E. Crowson,	M C R 49
Delerius Lee, et al.,	M C R 224

Said decision, after a review of the evidence submitted, concludes as follows:

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

> 'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gorrell, Addie Susan Gorrell, Monroe Price Gorrell, John M. Crowson, Delorius Lee and Sterling Andrew Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED: T. B. Needles.

Commissioner in charge.

Registered.

COPY.

M. C. R. 64.

Muskogee, Indian Territory, March 5, 1902.

Mr. L. D. Norton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Gerrell, et al.,	M C R 223
John M. Crowson,	M C R 49
Delorius Lee, et al.,	M C R 224

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

L. D. H. ...2.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gorrell, Addie Susan Gorrell, Monroe Price Gorrell, John E. Crowson, Delorius Lee and Sterling Andrew Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). T. B. Needles.

Commissioner in charge.

Registered.

M C R 64

COPY.

Muskogee, Indian Territory, March 3, 1902.

Mr. S. A. Wilkinson,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribesrendered a decision in the consolidated case of Emma Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Gerrell, et al.,	M C R 223
John E. Crowson,	M C R 49
Delorius Lee, et al.,	M C R 224

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gorrell, Addie Susan Gorrell, Monroe Price Gorrell, John E. Crewson, Delerius Lee and Sterling Andrew Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. D. Meadlee.

Commissioner in charge.

Registered.

COPY. M. C. R. 64

Muskogee, Indian Territory, March 3, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Emma Lee, et al., embracing the following applications for identification as Mississippi Choctaws:

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Gerrell, et al.,	M C R 223
John E. Crowson,	M C R 49
Delerius Lee, et al.,	M C R 224

Said decision, after a review of the evidence submitted, concludes as follows:

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

M. McM. & C. ...2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Emma Lee, Mary Josephine Lee, Jennie Thurman, George Washington Thurman, Missouri Gerrell, Addie Susan Gerrell, Monroe Price Gerrell, John M. Crowson, Delorius Lee and Sterling Andrew Lee, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED): T. B. Needles.

Commissioner in charge.

Registered.

COPY.

M. C. R. 64.

Muskogee, Indian Territory, March 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Emma Lee, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 3, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Emma Lee, et al.,	M C R 64
Jennie Thurman, et al.,	M C R 63
Missouri Gerrell, et al.,	M C R 223
John E. Crowson,	M C R 49
Delorius Lee, et al.,	M C R 224

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED). T. B. Needles.

Commissioner in charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M. C.R. 64

Muskogee, Indian Territory, May 6, 1902.

Emma Lee,

Cliff, Indian Territory.

Dear Madam:-

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Lee, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 64

Muskogee, Indian Territory, May 6, 1902.

L. D. Horton,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Lee, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

M.C.R. 64

Muskogee, Indian Territory, May 6, 1902.

S. A. Wilkinson,

Attorney at Law,

South McAlester, Indian Territory.

Dear Sir:-

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Lee, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge

M.C.R. 64

Muskogee, Indian Territory, May 6, 1902.

Messrs. Mansfield, Mc Murray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 29th day of April, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Emma Lee, et al., of which decision you were advised by registered mail on the 3rd day of March, 1902.

Yours truly,

Commissioner in Charge.

Choc mcR 65 John R. Penny

See mcR 66, and 5013

mcR 65

Barry et al

REFUSED

DECISION RENDERED: MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 23 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 23 1902

RECORD FORWARDED DEPARTMENT.

MAY 23 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUL - 2 1902

REFER TO M. C. R.

66 & 5013

7116-1960

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of John R. Penny for himself and children, for identification as Mississippi Choctaws; beingsworn and examinedby Acting Chairman Bixby he testifies as follows:

Q What is your name? A John R. Penny.
Q What is your age? A Forty-one.
Q What is your post-office address? A Ego, I. T.
Q How longhave you lived in the Indian Territory? A About thirteenyears.
Q Where did you live before coming to the Territory? A First lived in Tennessee and in Texas a little while.
Q Where were you born? A I was born in Tennessee.
Q Did you ever live in Mississippi? A No sir, I never did.
Q What is the name of your father? A James Penny.
Q Is he living? A No sir.
Q Was he a white man or a Choctaw Indian? A He was a white man
Q What is the name of your mother? A Millie Penny.
Q She living? A No sir.
Q Was she a white woman or a Choctaw Indian? A Choctaw Indian
Q What proportion of Choctaw blood did she claim to have?
A One-half.
Q Was her name ever upon the Choctaw rolls? A I don't know for certain, I heard her say she knew it was about 1834.
Q You don't know anything about it of your own knowledge?
A No sir.
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q What proportion of Choctaw blood do you claim to have? A About a quarter.
Q Your name ever been on the Choctaw rolls? A No sir.
Q Have you ever been recognized by the Choctaw authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No, I applied to them , but I was too late.
Q You appeared before the Commission at Durant in 1899 did you not? A Yes sir.
Q You did not state then that you were a Mississippi Choctaw did you? A Yes sir.
Q It does not appear in your testimony.
Applicant: Doesn't it state that I said I was a Mississippi Choctaw by blood? A Acting Chairman Bixby: No sir.
Applicant: I have always claimed that and have been taught that from a child.
Q You claim now, at any rate, to be a Mississippi Choctaw?
A Yes sir.
Q Under which treaty do you claim? A Under the Treaty of1830 and their ancestors, and fromthat on.
Q You claim under the treaty of 1830 and their ancestors, and from that on, is that your answer to that question? A Yes sir.
Q You don't base your claim then as I understand you upon any provisions of one treaty? A No sir.
Q But upon the contrary upon all the Choctaw treaties? A Yessir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir, I did not.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that ever I heardof.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A Well, I couldn't say.

Q You know as to yourself? A No, I never did; so far as the ancestors are concerned, I don't know.
Q What is the name of your wife? A Nettie.
Q Did you marry her under Choctaw law? A No sir, I was married in Tennessee.
Q When? A In 1877, September 15th
Q Do you wish to offer your marriage license and certificate in evidence? A No sir.
Q What are the names of your children under twenty-one years of age and unmarried? A One is named Mattie, fifteen; Walter, twelve; Claude, seven; Aud, five; Guy, two.
Q Are these children living with you? A Yes sir.
Q Their residence has always been the same as yours has it?
A Yes sir.
Q You claim that your children are also Mississippi Choctaws?
A Just the same as I am.
Q Is there any additional statement that you would like to make at this time in regard to your case? A No sir, only a paper I would like to file.

(Affidavit of J.R.Penny, offered in evidence and placed on file, marked Exhibit "A".)

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission, showingmore fully why it cannot identify you and your family as being entitled to identification as Mississippi Choctaws under the provisions of the Act of June 28th, 1898 will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

2

C.W.
W.C.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of John R. Penny, et al., for identification as Mississippi Choctaws, consolidating the applications of

John R. Penny, et al.,	M C R 65
Termie Isard,	M C R 66
Della Newton, et al.,	M C R 5013

--: D E C I S I O N :--

The record in the above consolidated case shows that there were, originally, three applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of John R. Penny for the identification of himself and his five minor children, Mattie, Walter, Claude, Aud and Guy Penny, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Termie Isard for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Della Newton for the enrollment of herself and her two minor children, George and Bertha Newton as citizens by blood of the Choctaw Nation, taken at Colbert, Indian Territory, June 15, 1900.

In accordance with Departmental instructions of June 10, 1901 and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications under the head of John R. Penny, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of John R. Penny, et al., that in the month of August, 1899, the said John R. Penny appeared before the Com mission at Durant, Indian Territory, and there made personal application for enrollment as a Choctaw by blood, and that such application was refused on the ground that his name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 15, 1900, the said John R. Penny appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his five minor children, Mattie, Walter, Claude, Aud and Guy Penny, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Millie Penny, an alleged one half blood Choctaw, and James Penny, a white man, who are the

parents of this applicant.

The record in this case further shows that the principal applicant, John R. Penny, and his five minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Tennessee in about the year 1859, and that for about thirteen years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one fourth blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation in the states of Alabama and Mississippi, or were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be

considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Tommie Izard, and the record therein shows that on June 15, 1900, the said Tommie Izard appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from John Penny, an alleged one eighth blood Choctaw and Bettie Penny, a white woman, who are the parents of this applicant.

The record in this case further shows that the applicant, Tommie Izard, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application, aside from the oral statement of the applicant, is the original

marriage record between Miss J. T. Penney and J. C. Izard. By the oral statement of the applicant it is attempted to be shown that she was born in Tennessee in about the year 1883, and that for over four years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her father, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation in the states of Alabama and Mississippi, or that they were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact she states expressly that none of her alleged Choctaw ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, or claimed or received any land as beneficiaries thereunder. The marriage record filed herewith is simply evidence of the marriage between the applicant and her husband and of the legitimacy of the issue thereof. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

NOTE. --There is a discrepancy between the oral statement of the applicant and the marriage record filed herewith as to the name of the applicant, in as much as in the former her maiden name is given as Termie Penny and in the latter as J. T. Penney, but no doubt is entertained as to the identity of the bride mentioned in the marriage record with the applicant herein.

The last in order of the above applications is that of Della Newton, et al., and the record therein shows that on June 15, 1900, the said Della Newton appeared before the Commission at Calbert, Indian Territory, and there made personal application for the enrollment of herself and her two minor children, George and Bertha Newton as citizens by blood of the Choctaw Nation, and that such application was refused on the ground that their names were not upon any of the Choctaw tribal rolls in the possession of the Commission. The principal applicant claims descent from John Penny, an alleged one fourth blood Choctaw, and Bettie Penny(nee Alley), a white woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Della Newton, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant which it is attempted to be shown that she was born in Tennessee in about the year 1880, and that for about seven years prior to the making of her original application she had been a resident of Indian Territory,

[illegible]

incumbent upon them to show that they are descendants of a Choctaw Indian who lived in Mississippi in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as the head of a family, or who was the child of a recognized Choctaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether Willie Penny, the mother of the principal claimant in this group of consolidated cases and the remotest known alleged Choctaw ancestor of these claimants, was living in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 as a recognized Choctaw Indian, or whether or not she complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the foundation of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 is for the name of the said Willie Penny, and it does not appear from said records that any person bearing said name ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John R. Penny, Mattie Penny, Walter Penny, Claude Penny, Aud Penny, Guy Penny, Jennie Isard, Della Newton, George Newton and Bertha Newton as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Commissioners.

Muskogee, Indian Territory,

_____.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of John R. Penny as a Choctaw; being sworn and examined by Com'r McKennon he testifies as follows:

Q What is your name? A John R. Penry.

Q How old are you? A Forty-one.

Q Where are you living? A Down here below Cale.

Q How long have you been living there? A I have been living in the Choctaw Nation ten years.

Q Where did you come from? A I came from Texas over here ten years ago.

Q How long did you stay here? A I staid a little over a year and went back.

Q How long did you stay in Texas? A I have been here about five years this last time.

Q You came back here five years ago? A Yes sir.

Q How long did you stay here then, since you came back?

A I have been here five years the last time.

Q All the while? A Yes sir.

Q Haven't lived anywhere else? A No sir.

Q Did you ever apply for admission? A No sir.

Q Are you on any of the rolls? A No sir.

Q Never have been? A No sir.

Q Are your father and mother on any of the rolls? A No sir, I don't reckon they are.

Com'r McKennon: You are not on the rolls, the commission has no authority to put you on; your enrollment will be refused.

Department of the Interior,
Commission to the Civilized Tribes.
I hereby certify that this is an official copy as
of the records of the Commission, that this
is a true and correct translation of
M D Green

7R224

Department of the Interior,
Commission to the Five Civilized Tribes.

In the matter of the application of John R. Penry for enrollment as a citizen of the Choctaw Nation.

D e c i s i o n .

The applicant, John R. Penry, appeared before the Commission at Durant, Indian Territory, and there made application for enrollment as a citizen of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission, and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of John R. Penry for enrollment as a citizen of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____ day of _____, 1901.

REFER TO M. C. R. 65

John R. Denny
Ctd

Consolidated Case

MOTHER'S TRIBAL ENROLLMENT			
AR	Town	No.	MOTHER'S OWNER	REMARKS	DAWES ROLL No.

Jack Leath 3/4
married
Elizabeth Atkinson 1/2

James Penny, white, Dead
married
Mellie Leath 1/2 Dead

mbR 66
John R. Penny 41 1/4
wife
Bettie Penny

mbR 5013
Della Penny 20 1/8
married
William Newton

mbR 5213
Jorge Newton 2
" Bertha Newton 8 m

mbR 66
Tommie Penny 17 1/16
married
x John Gard
x Listed for enrollment as John C Gard See choctaw card 3635.

mbR 66
Mattie Penny 15
" Walter Penny 12
" Claude Penny 7
" Aud Penny 5
" Guy Penny 2

REFUSED.

JUN 15 1900

MEMORANDA.

JUN 15 1900 (Date) ~~1899.~~

Name John R. Penny. (41) Ego, I. T.

Choctaw ? Miss. County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes (1/4) Mother's citizenship CHOCTAW. (1/2)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, ...

Wife's name, ...

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

15 Mattie	County	Year	Page	No.
12. Walter	County	Year	Page	No.
7. Claude	County	Year	Page	No.
5 Gud.	County	Year	Page	No.
3. Guy	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

James Penny, (father)

Milla Penny, (mother)

Muskogee, Indian Territory, September 7, 1900

John R. Kenney,

Ego, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 4th instant addressed to the Honorable Secretary of the Interior, in which you state that Mr. Bixby told you that your citizenship papers would be sent to you and that you have not as yet received them and that you desire them as soon as possible.

You are informed that the records of this Commission show that you appeared before this Commission at Colbert, Indian Territory, June 5th, 1900, and there made application for the identification of yourself and your five minor children as Mississippi Choctaws. The Commission at that time heard all the testimony that you desired to submit in support of your application and the application of your children and accepted for its consideration such papers as you desired to present in evidence.

The decision of the Commission as to this application has not as yet been rendered but will receive consideration in the near future and when a decision is rendered you will be furnished with a copy thereof, stating fully the reasons of the Commission for any action that may be taken in your case.

Yours truly,

M. C. R-65

Acting Chairman.

Muskogee, Indian Territory, October 1, 1900.

John R. Penny,

Ego, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 29th ultimo in which you state you have bought a place from a citizen and want to allot it and that there are non-citizens on it from whom you are unable to obtain possession. You desire the Commission to inform you how to obtain possession.

You are informed that the records of this Commission show that you have twice appeared before this Commission as an applicant for enrollment as a citizen of the Choctaw Nation, your first appearance being at Durant, Indian Territory in August, 1899, at which time and place the Commission refused your enrollment as a citizen by blood of the Choctaw Nation.

It further appears that on June 15th, 1900, at Colbert, Indian Territory, you appeared before the Commission and made application for the identification of yourself and your five minor children as Mississippi Choctaws, and the Commission after hearing your oral testimony at that time and the written evidence submitted by you in support of the same, rendered the following decision:

"The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission showing more fully why it cannot identify you and your family as being entitled to identification as Mississippi Choctaws under the provisions of the act of June 28th, 1898, will be furnished you in writing mailed to your present post-office address."

The Commission has not been able up to this time to

J. R. F. E--

furnish you with a written decision as stated, but will do so in the near future, stating therein the reason for the action that the Commission has taken in your case.

This Commission is therefore unable to recognize you as being entitled in any manner to citizenship in the Choctaw Nation and cannot advise you as to holding or obtaining possession of lands in the Choctaw-Chickasaw country.

Yours truly,

Acting Chairman.

M. C. R-65

Muskogee, Indian Territory, April 13, 1901.

Mr. W. T. Sisson,

Ego, Indian Territory,

Dear Sir:-

Your letter of March 24, 1901, written to the Honorable Secretary of the Interior, making inquiry as to the citizenship of John Penry and that of his married daughter, Della Newton and her minor children-George and Bertha Newton, has been referred to the Commission for appropriate reply.

You are informed that John R. Penry, 41 years of age, appeared before the Commission at Durant, Indian Territory, in August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation. It appears from the examination made of the records in the possession of the Commission at that time, and the evidence in the case, that his name had never been on the tribal rolls of the Choctaw Nation, nor had he ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation or by this Commission, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory on appeal. Therefore, the application of John R. Penry for enrollment as a citizen of the Choctaw Nation was ~~refused~~ denied.

The name of John R. Penny also appears on the records of the Commission on Mississippi Choctaw Card, Field No.R-65. It is believed by the Commission that the John R. Penry, referred to above, and John R. Penny are one and the same person.

You are further informed that Delia Newton, 30 years of age and the daughter of John Penny, appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and made application for the enrollment of herself and her two minor children, George and Bertha Newton, as citizens by blood of the Choctaw Nation.

Judgment was rendered by this Commission September 5, 1900, denying her enrollment and that of her two minor children and due notice of the same was mailed to her at her postoffice address, Ego, Indian Territory.

Yours truly,

Acting Chairman.

7-R-224
7-R-506

Muskogee, Indian Territory, September 12, 1901.

Mr. J. R. Penny,

Ego,

Indian Territory.

Dear Sir:-

There has been received at this Office, affidavits covering the birth of Myrtle D. Penny, infant daughter of J. R. and Mary E. Penny, born June 20th, 1901.

It appears from our records that on June 15th, 1900, John R. Penny, of Ego, Indian Territory, appeared before the Commission and applied for the identification of himself and five minor children as Mississippi Choctaws. At that time you gave the name of your wife as "Bettie Penny." Will you please advise the Commission if Mary E. Penny is the Bettie Penny referred to at the time you made application for identification as a Mississippi Choctaw.

Until this information is received no further action can be taken in regard to the application for enrollment of Myrtle D. Penny.

Yours truly,

M.C.65

No. 13825
1901 SEP 23 1901

Penney, J. R.
Co. I
CHOCTAW
CHICKASAW
Sept. 19/01.

Relative to mistake concerning his wife's name.

Letter filed with M & R #65.

Enc W199
Send to atoka

File with M & R 65

13825 No. 15804

RECEIVED

SEP 20 1901

Office of U. S. Indian Inspector, for Indian Territory.

Ego, I.T.; Sept.19,1901.

J. R. Penney.

Relative to mistake concerning his wife's name.

MUSCOGEE, IND. TER.,

Sept 21, 1901

Respectfully referred to the Commission to the Five Civilized Tribes for appropriate action.

Geo. Wright

U. S. Indian Inspector for Indian Territory.

J. A. MORGAN. C. A. MORGAN.

MORGAN BRO'S.

DEALERS IN

GENERAL MERCHANDISE

Postmark

Ego, Ind. Ter. Sept 19 1901.

Mr Secretary of the interior
that mis stake of my wife
name was don by the notre
Bettie Penney is her name yours
truly J. R. Penney

Muskogee, Indian Territory, September 30, 1901.

Mr. J. R. Penny,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, in which you state that your wife's name is Bettie Penny and that the mistake was made by the notary public. You do not state in your letter why your wife's name is written in the affidavits as Mary E. Penny, and her name appears in your testimony given at the time you applied for identification as a Mississippi Choctaw at Colbert, Indian Territory, June 15, 1900, as Bettie Penny.

If your wife's name is Bettie Penny, and is not Mary E.Penny, you should make out a new affidavit to which her correct name should be signed. The application for the enrollment of your child is returned to you herewith and for the purpose of assisting you in this matter there is enclosed you also a new application which if returned to this office properly executed, the matter will receive further consideration.

Yours truly,

Acting Chairman.

Enclosure.
A. P. L.-C

Miss. Choc. 65,
377, 955, 2253.

Muskogee, Indian Territory, March 24,1902.

J. H. Goforth,

Caddo, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the twenty first instant, asking whether Joe Dalmon, John Hill, John Penney, I. C. Kelley, W. A. Crowley and A. J. Jackson are recognized citizens of the Choctaw Nation. You state that they are renting tribal lands but refuse to pay permits as required by law.

In reply to your letter you are advised that it appears from our records that John R. Penney, forty one years of age, of Ego, Indian Territory applied to this Commission, June 15, 1900, for the identification of himself and five minor children, Mattie, Walter, Claude, Aud and Guy Penny, as Mississippi Choctaws. William A. Crowley, twenty nine years of age, of Caddo, Indian Territory, appeared before the Commission at Muskogee, Indian Territory, October 25,1900, and applied for identification as a Mississippi Choctaw for himself and one child, Maudie Lee Crowley.

On May 11, 1901, Andrew J. Jackson, of Nida, Indian Territory, applied to the Commission at Atoka, Indian Territory for the

identification of himself and his minor child, Clara Jackson, as Mississippi Choctaws.

No decisions have yet been reached nor opinions rendered in any of the cases above named. It does not appear from our records that any person by the name of I. G. Kelley has applied for identification as a Mississippi Choctaw, but the records do show that James C. Kelley, forty two years old, of Ego, Indian Territory, on June 20, 1900, applied to the Commission at Colbert, Indian Territory, for the identification of himself and seven minor children as Mississippi Choctaws. No decision has been reached relative to his rights as a Mississippi Choctaw.

If these are not the persons to whom you refer in your letter, and you will give further information relative to the time and place when they appeared before the Commission and the names of other members of their family who appeared with them, the matter will receive further consideration.

It does not appear from our records that any persons by the name of Joe Dalmon or John Hill have applied to the Commission either for enrollment as Choctaws or for identification as Mississippi Choctaws.

Yours truly,

Commissioner in Charge.

M. C. R. 65.

COPY

Muskogee, Indian Territory, May 23, 1903.

John R. Penny,

Ego, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John R. Penny, et al., embracing the following applications for identification as Mississippi Choctaws:

John R. Penny, et al.,	M C R 65
Tomie Inard,	M C R 66
Della Newton, et al.,	M C R 5013

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission t at the evidence in this case is insufficient to determine the identity of John

J R P——2

R. Penny, Mattie Penny, Walter Penny, Glenda Penny, Aud Penny, Guy Penny, Tommie Izard, Delia Newton, George Newton and Martha Newton as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered".

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Acting Chairman.

Registered.

M. C. R. 65

COPY.

Muskogee, Indian Territory, May 23, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John R. Penny, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John R. Penny, et al.,	M C R 65
Tommie Izard,	M C R 66
Della Newton, et al.,	M C R 5013.

The Commission has the honor to report that the principal applicants in the several separate applications, and the attorneys for the Choctaw and Chickasaw Nation have been duly advised

COPY.

Secretary of the Interior---:

by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED). James Dixby.

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M C R 65.

COPY.

Muskogee, Indian Territory, May 23, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John R. Penny, et al., embracing the following applications for identification as Mississippi Choctaws:

John R. Penny, et al.,	M C R 65
Tommie Ward,	M C R 66
Della Newton, et al.,	M C R 5015

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John R.

COPY.

Penny, Mattie Penny, Walter Penny, Claude Penny, Aud Penny, Guy Penny, Tommie Izard, Della Newton, George Newton and Bertha Newton as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Acting Chairman.

Miss.Choctaw 65

Muskogee, Indian Territory, May 28,1902.

J. W. Byrd,

Hogan, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of May 21, in which you ask if J. R. Pinnie of Ego, Indian Territory, and Mr. Moran of Hunton, Indian Territory, are on the Choctaw rolls.

In reply to your letter you are advised that it does not appear from our records that any person by the name of J. R. Pinnie has applied to this Commission for enrollment as a citizen of the Choctaw Nation or for identification as a Mississippi Choctaw. It does appear, however, that John R. Penny, forty one years old, of Ego, Indian Territory, applied to this commission for the identification of himself and his five minor children, Mattie, Walter, Claude Aud and Guy Penny, as Mississippi Choctaws. On May 13, 1902, the Commission rendered a decision refusing the application of the above named persons for identification as Mississippi Choctaw. If this is not the J. R. Pinnie to whom you refer, and you will give further information concerning him, the matter will receive further consideration.

It appears from our records that several persons by the

name of Moran have applied to this Commission for enrollment as citizens of the Choctaw Nation and for identification as Mississippi Choctaws, and it will be necessary for you to advise the Commission the full name of the Mr. Moran concerning whom you desire information, the names of other members of his family who applied with him, the time and place he appeared before the Commission as an applicant and such other data as you may possess which would enable the Commission to identify him as an applicant, before any information can be given you in regard to his status.

Yours truly,

Commissioner in Charge.

M.O.R. 8347

Muskogee, Indian Territory, July 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 23d day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John R. Penny, et al., of which decision you were advised by mail on the 23d day of May, 1903.

Yours truly,

(SGNLD)

Commissioner in Charge.

COPY.

M.C.R. 63.

Muskogee, Indian Territory, July 2, 1908.

John R. Penny,

Ego, Indian Territory.

Dear Sir:

You are hereby advised that on the 23d day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John R. Penny, et al., of which decision you were advised by registered mail on the 23d day of May, 1908.

Yours truly,

SIGNED

T. B. Needles.

Commissioner in Charge.

M C R 65

Muskogee, Indian Territory, May 8, 1903.

John R. Penny,

Ego, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 28th ultimo, by reference from the United States Indian Inspector for Indian Territory. Therein you state that you can furnish all the proof necessary to prove your blood.

In reply you are informed that on June 23, 1902, the Secretary of the Interior approved the decision of the Commission refusing your application for the identification of yourself and minor children as Mississippi Choctaws. The Commission now considers this case closed and cannot receive or consider further evidence in support thereof.

Respectfully,

Chairman.

L.C.R. 65.

Muskogee, Indian Territory, April 16, 1904.

John R. Penny,

Ero, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 11, 1904, in which you state that you received a letter from the Secretary of the Interior, November 24, 1903, informing you that the record in your case had not yet been forwarded him, and you ask to be advised whether or not your application has been denied.

In reply to your letter you are informed that on June 23, 1902, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which Departmental action you were duly notified July 2, 1902.

The Commission now considers this case closed, and it is not believed that you and your children are in any manner entitled to possessory rights in the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Commissioner in Charge.

MCR-65

Muskogee, Indian Territory, February 11, 1907.

D. D. Brunson,

Attorney at Law,

Coalgate, Indian Territory.

Dear Sir:-

Receipt is hereby acknowledged of your letter of the 6th instant requesting to be furnished a copy of the decision of the Commission to the Five Civilized Tribes in the Mississippi Choctaw case of John R. Penny et al. You also ask to be informed as to the probability of getting the case reopened.

In reply there is enclosed you herewith a copy of the decision of the Commission to the Five Civilized Tribes rendered May 13, 1902, refusing to identify, as Mississippi Choctaws, the several persons in the consolidated case of John R. Penny et al, MCR-65. This decision was affirmed by the Secretary of the Interior June 23, 1902.

You are further advised that there is now no authority of law for the reception or consideration of a motion to reopen this case. The time within which motions could be filed, under the Act of Congress approved April 26, 1906 (34 Stats.,

137), expired June 28, 1906.

Respectfully,

VLM.
Encl. 11/1

Commissioner.

Choc MCR 66 Tommie Izard

refused

see MCR 65

MCR 66

Transferred to board

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 23 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 23 1902

RECORD FORWARDED DEPARTMENT.

MAY 23 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 23 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUL - 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUL - 2 1902

REFER TO M. C. R.

65

Miss. Choc. R-66.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER/, JUNE 15, 1900.

In the matter of the application of Tommie Izard for identification as Mississippi Choctaws, said Tommie Izard being sworn by Acting Chairman Bixby, testified:

By the Commission:

Q Please state your name? A Tommie Izard.
Q How old are you? A 17.
Q What is your postoffice address? A Ego, I.T.
Q In the Choctaw or Chickasaw Nations? A Choctaw.
Q Where do you live? A In Blue county.
Q Near Ego? A yes.
Q How long have you lived in the Choctaw Nation? A About five months.
Q Where did you live prior to coming to the Choctaw nation? A In the Chickasaw Nation.
Q How long did you live in the Chickasaw nation? A Four years.
Q Where did you live prior to coming to the Chickasaw Nation? A Texas.
Q How long did you live in Texas? A About 13 years.
Q Were born in Texas? A Born in Tennessee.
Q Did you go from Tennessee to Texas? A yes.
Q Did you ev r live in Mississippi? A No sir.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q Do you claim as a Mississippi Choctaw? A A Mississippi Choctaw by blood.
Q Is that the only foundation for citizenship you claim in the Choctaw Nation? A yes.
Q What is the name of your father? A John Penny.
Q Is John Penny a Choctaw Indian or a white man? A He is a Choctaw Indian.
Q What percent of Indian blood does he claim to have? A 1/8 I think.
Q Is he living? A Yes.
Q Where does he live? A He lives near Ego, Blue county, Choctaw Nation.
Q How long has he lived there? A About five months.
Q Where did he live before he went there? A ~~Chickasaw nation~~ Chickasaw Nation.
Q How long did he live in the Chickasaw nation? A Five years.
Q Where did you live before that? A In Texas.
Q How long in Texas? A I don't know.
Q Did he ever live in Mississippi? A No sir.
Q What is the name of your mother? A Bettie Penny.
Q Is she a white woman or a Choctaw Indian? A White woman.
Q Is she living? A Yes.
Q Does she live with your father? A yes.
Q Does the name of your father appear upon any of the tribal rolls of the Choctaw Nation? A No sir.
Q Has he ever been admitted to citizenship in the Choctaw Nation by the lawfully constituted authorities of that ~~Nat~~ Nation? A No.
Q Was he admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes in 1896, acting under the Act of June 10, 1896? A No sir.
Q Did he ever make application to the tribal authorities of the Choctaw Nation for citizenship in the Choctaw nation? A I don't know; I think though he did.

Q Do you know whether he applied to the Dawes Commission in 1896?
A He did not.
Q Do you know whether he was admitted or rejected by the tribal authorities? A He was admitted by the Choctaw tribal authorities.
Q Are you sure of that? A Yes.
Q Do you know whether your name was included in his application to the tribal authorities of the Choctaw Nation? A Yes, it was.
Q Have you a copy of the decision of the tribal authorities admitting your father to citizenship in that nation? A I have not.
Q Does your name appear upon any of the rolls of the Choctaw Nation?
A No sir.
Q Did you ever make application to the properly constituted authorities of the Choctaw Nation for citizenship in the Choctaw Nation? A I don't know.
Q Did you ever appear before this Commission before as an applicant for enrollment or for identification as a Mississippi Choctaw?
A No sir.
Q Did anyone ever make such application for you? A I think my father did. He put in my name at the same time he did the others.
Q Do you know when your father made this application? A 1896, I think.
Q Do you know what action was taken by the tribal authorities on your application? A No sir.
Q You have no copy of the decision of the tribal authorities in your case? A No sir.
Q Were you admitted to citizenship in the Choctaw Nation by judgment of the United States Court? A I don't know.
Q Are you married? A Yes.
Q What is the name of your husband? A John Izard. X
Q Is he living? A Yes.
Q Is he a white man? A ~~Xxdnnitxxxxxxxx~~ Indian.
Q What kind of an Indian? A Choctaw.
Q What proportion of Indian blood does he claim? A 1/16 I think.
Q Have you any children? A No sir.
Q When and were were you married to John Izard? A In Blue county, Choctaw Nation.
Q When? A 18th of March, 1900.
Q Were you mrried under the laws of the Choctaw Nation? A Yes.
Q Do you desire to offer in evidence your marriage license and certificate?
Q Does the name of your husband, John Izard, appear upon the rolls of the Choctaw Nation as a citizen of that nation? A Yes.
Q What is the name of your husband's mother? A Sarah Elizabeth Izard.
Q Has your husband any brother living? A Yes.
Q What is his brother's name? A Silas Izard and Shirley Izard.
Q Under what treaty do you claim as a Mississippi Choctaw? A I think it is the treaty of 1830.
Q Do you claim under the whole treaty or under any particular article of the treaty? A No particular article? A Just under the treaty as a whole? A Yes.
Q The you do not claim under article 19 particularly of that treaty?
A I don't know.
Q Do you claim under the supplement to the Treaty of 1830, or do you not? A I don't know.
Q Do you claim anything under Article 14 of the Treaty of Dancing Rabbit creek? A No sir, not as I know of.
Q Did you or your ancestors ever take advantage of the provisions of Article 14 of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did you or your ancestors ever claimed receive any land as beneficiaries under Article 14 of the Treaty of Dancing Rabbit creek?
A No sir.

Miss. Chec. R-66.
(3)

Q Where were you married? A In Kluc county, Choctaw Nation.
Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.
Q Are there any papers you desire to file with the Commission at this time? A Yes.

The affidavit of Tennie Izard offered in evidence and identified as Exhibit A and filed. The marriage license and certificate of J. C. Izard and Miss J. T. Penny offered in evidence, identified as Exhibit B and filed.

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw under the Act of Congress of June 28, 1898. The decision of the Commission showing more fully why it cannot identify you as a Mississippi Choctaw will be furnished you in writing and mailed to you at your present postoffice address.

Brown McDonald, being sworn by Acting Chairman Bixby, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named applicant, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 19th day of June, 1900, at Colbert, Indian Territory.

Acting Chairman.

15 65

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

John R. Penny
Et-al

Consolidated

MC-R60

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 18, 1900.

In the matter of the application of John R. Penny for himself and children, for identification as Mississippi Choctaws; beingsworn and examinedby Acting Chairman Bixby he testifies as follows:

Q What is your name? A John R. Penny.
Q What is your age? A Forty-one.
Q What is your post-office address? A Ngo, I. T.
Q How longhave you lived in the Indian Territory? A About thirteenyears.
Q Where did you live before coming to the Territory? A First lived in Tennessee and in Texas a little while.
Q Where were you born? A I was born in Tennessee.
Q Did you ever live in Mississippi? A No sir, I never did.
Q What is the name of your father? A James Penny.
Q Is he living? A No sir.
Q Was he a white man or a Choctaw Indian? A He was a white man
Q What is the name of your mother? A Millie Penny.
Q She living? A No sir.
Q Was she a white woman or a Choctaw Indian? A Choctaw Indian
Q What proportion of Choctaw blood did she claim to have?
A One-half.
Q Was her name ever upon the Choctaw rolls? A I don't know for certain, I heard her say she knew it was about 1834.
Q You don't know anything about it of your pwn knowledge?
A No sir.
Q Was she ever recognized by the Tribal authorities as being a Choctaw Indian? A No sir.
Q What proportion of Choctaw blood do you claim to have? A About a quarter.
Q Your name ever been on the Choctaw rolls? A No sir.
Q Have you ever been recognized by the Choctaw authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No, I applied to them , but I was too late.
Q You appeared before the Commission at Durant in 1899 did you not? A Yes sir.
Q You did not state then that you were a Mississippi Choctaw did you? A Yes sir.
Q It does not appear in your testimony.
Applicant: Doesn't it state that I said I was a Mississippi Choctaw by blood? A Acting Chairman Bixby: No sir.
Applicant: I have always claimed that and have been taught that from a child.
Q You claim now, at any rate, to be a Mississippi Choctaw?
A Yes sir.
Q Under which treaty do you claim? A Under the Treaty of1830 and their ancestors, and fromthat on.
Q You claim under the treaty of 1830 and their ancestors, and from that on, is that your answer to that question? A Yes sir.
Q You don't base your claim then as I understand you upon any provisions of one treaty? A No sir.
Q But upon the contrary upon all the Choctaw treaties? A Yessir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir, I did not.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that ever I heardof.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A Well, I couldn't say.

Q You know as to yourself? A No, I never did; so far as the ancestors are concerned, I don't know.
Q What is the name of your wife? A Bettie.
Q Did you marry her under Choctaw law? A No sir, I was married in Tennessee.
Q When? A In 1877, September 15th
Q Do you wish to offer your marriage license and certificate in evidence? A No sir.
Q What are the names of your children under twenty-one years of age and unmarried? A One is named Mattie, fifteen; Walter, twelve; Claude, seven; And, five; Guy, two.
Q Are these children living with you? A Yes sir.
Q Their residence has always been the same as yours has it?
A Yes sir.
Q You claim that your children are also Mississippi Choctaws?
A Just the same as I am.
Q Is there any additional statement that you would like to make at this time in regard to your case? A No sir, only a paper I would like to file.

(Affidavit of J.R.Penny, offered in evidence and placed on file, marked Exhibit "A".)

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission, showingmore fully why it cannot identify you and your family as being entitled to identification as Mississippi Choctaws under the provisions of the Act of June 28th, 1898 will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

W.F.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---------:---------

In the matter of the application of John R. Penny, et al., for identification as Mississippi Choctaws, consolidating the applications of

John R. Penny, et al.,	M C R 65
Tennie Izard,	M C R 66
Della Newton, et al.,	M C R 5013

--: D E C I S I O N :--

The record in the above consolidated case shows that there were, originally, three applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of John R. Penny for the identification of himself and his five minor children, Mattie, Walter, Claude, Aud and Guy Penny, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Tennie Izard for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Della Newton for the enrollment of herself and her two minor children, George and Bertha Newton as citizens by blood of the Choctaw Nation, taken at Colbert, Indian Territory, June 15, 1900.

In accordance with Departmental instructions of June 10, 1901 and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications under the head of John R. Penny, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of John R. Penny, et al., that in the month of August, 1899, the said John R. Penny appeared before the Commission at Durant, Indian Territory, and there made personal application for enrollment as a Choctaw by blood, and that such application was refused on the ground that his name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 15, 1900, the said John R. Penny appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his five minor children, Mattie, Walter, Claude, Aud and Guy Penny, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Millie Penny, an alleged one half blood Choctaw, and James Penny, a white man, who are the

parents of this applicant.

The record in this case further shows that the principal applicant, John R. Penny, and his five minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that he was born in Tennessee in about the year 1859, and that for about thirteen years prior to the making of his original application he had been a resident of Indian Territory, and claims to be an one fourth blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother, and there is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors ever lived in the old Choctaw Nation in the states of Alabama and Mississippi, or were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be

considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Tommie Izard, and the record therein shows that on June 18, 1900, the said Tommie Izard appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from John Penny, an alleged one eighth blood Choctaw and Bettie Penny, a white woman, who are the parents of this applicant.

The record in this case further shows that the applicant, Tommie Izard, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application, aside from the oral statement of the applicant, is the original

marriage record between Miss J. T. Penney and J. C. Izard. By the oral statement of the applicant it is attempted to be shown that she was born in Tennessee in about the year 1883, and that for over four years prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one sixteenth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her father, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors ever lived in the old Choctaw Nation in the states of Alabama and Mississippi, or that they were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact she states expressly that none of her alleged Choctaw ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830, or claimed or received any land as beneficiaries thereunder. The marriage record filed herewith is simply evidence of the marriage between the applicant and her husband and of the legitimacy of the issue thereof. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

NOTE. --There is a discrepancy between the oral statement of the applicant and the marriage record filed herewith as to the name of the applicant, in as much as in the former her maiden name is given as Tennie Penny and in the latter as J. T. Penney, but no doubt is entertained as to the identity of the bride mentioned in the marriage record with the applicant herein.

The last in order of the above applications is that of Della Newton, et al., and the record therein shows that on June 15, 1900, the said Della Newton appeared before the Commission at Colbert, Indian Territory, and there made personal application for the enrollment of herself and her two minor children, George and Bertha Newton as citizens by blood of the Choctaw Nation, and that such application was refused on the ground that their names were not upon any of the Choctaw tribal rolls in the possession of the Commission. The principal applicant claims descent from John Penny, an alleged one fourth blood Choctaw, and Bettie Penny(nee Alley), a white woman, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Della Newton, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant by which it is attempted to be shown that she was born in Tennessee in about the year 1880, and that for about seven years prior to the making of her original application she had been a resident of Indian Territory,

and claims to be an one eighth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her father. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her. There is also filed herewith the written request of the principal applicant to forward the record in her case to the Secretary of the Interior.

The record in these cases further shows that on September 6, 1900, there was forwarded by the Commission to Della Newton a written decision, denying the application she had made for the enrollment of herself and her minor children as citizens by blood of the Choctaw Nation, and that on March 13, 1902, there was forwarded by the Commission to Della Newton a written notice to the effect that she would be allowed thirty days from the date thereof to submit an affidavit showing that she and her children were entitled to identification as Mississippi Choctaws.

The Commission, in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the several principal applicants, given at the time of the making of their original applications, and the documentary evidence filed by them, and by said evidence it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from Millie Penny (maiden name not given), the mother of the principal applicant in this group of consolidated cases. In order that these applicants may be identified as Mississippi Choctaws, it is

incumbent upon them to show that they are descendants of a Choctaw Indian who lived in Mississippi in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as the head of a family, or who was the child of a recognized Choctaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether Millie Penny, the mother of the principal applicant in this group of consolidated cases and the remotest known alleged Choctaw ancestor of these applicants, was living in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 as a recognized Choctaw Indian, or whether or not she complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 is for the name of the said Millie Penny, and it does not appear from said records that any person bearing said name ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded Sept ember twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John R.Penny, Mattie Penny, Walter Penny, Claude Penny, Aud Penny, Guy Penny, Tommie Isard, Della Newton, George Newton and Bertha Newton as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

C. R. Breckinridge

Commissioners.

Muskogee, Indian Territory,

MAY 13 1902

(COPY)

Refer in reply to the following:
Land
31145-1902.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
WASHINGTON, June 2, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made May 22, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record of proceedings in the matter of the application of John R. Penny, et al., Tommie Izard and Della Newton, et al., for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek, concluded on the thirtieth day of September, 1830.

In his testimony, principal applicant John R. Penny, attempts to trace his descent from his mother, Millie Penny, nee Leath, only; but by his affidavit of June 9, 1900, it is shown that Millie Penny was the daughter of Jack Leath and Elizabeth Leath, nee Atkinson.

The office believes that the record is not sufficient to warrant the identification of the applicants as Mississippi Choctaws, and the Commission so decided under date of May 13, 1902.

A careful search of the records of this office fails to show that either Millie Penny, nee Leath, Jack Leath, or his wife, Elizabeth Leath, nee Atkinson, complied or attempted to comply with the provisions of the fourteenth article of said treaty of 1830, or that they, or any of them, had their rights, if any they possessed, adjudicated under the acts of March 3, 1837 and August 23, 1842.

The office respectfully recommends that the decision of the Commission be affirmed.

Very respectfully,

Your obedient servant,

A.C. TONNER,

Acting Commissioner.

GAW
D

3 inclosures.

(COPY)

D.C. 10630-1902. J.W.H. GMR

I.T.D. 3468-1902. DEPARTMENT OF THE INTERIOR.

L R S WASHINGTON. June 23, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 23, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of John R. Penny for himself and his five minor children, Mattie, Walter, Claude, Aud, and Guy Penny; of Tennie Izard for herself; and of Della Newton for herself and her two minor children, George, and Bertha Newton.

In his testimony, principal applicant John R. Penny endeavors to trace his descent from his mother, Millie Penny, nee Leath, only; but by his affidavit of June 9, 1900, it is shown that Millie Penny was the daughter of Jack Leath and Elizabeth Leath, nee Atkinson.

May 13, 1902, you refused the applications, and the Acting Commissioner of Indian Affairs forwarded your decision on June 2, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat.,188), and August 23, 1842 (5 Stat.,513).

The Department, upon review of the whole case, approves your action, and your decision is accordingly affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

E.A. HITCHCOCK,

Secretary.

1 inclosure.

EAD

Muskogee, Indian Territory, October 1, 1900.

J. C Izard,

Ego, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 28th ultimo in which you state that you married the daughter of John P. Penny who was enrolled at Colbert, Indian Territory, June 6th, 1900. That your wife was also enrolled at that time under the name of T. J. Izard. You now desire to be informed as to the status of her application before the Commission and whether she has been accepted or rejected.

You are informed that the records of this Commission show that Tennie Izard, seventeen years of age and the daughter of John and Betty Penny, appeared before the Commission at Colbert, Indian Territory on June 13th, 1900 and made application for identification as a Mississippi Chocktaw. At that time she testified that she was the wife of John Izard who claimed to be a non citizen Chocktaw Indian. The Commission at that time rendered the following judgment:

"The Commission is unable from the testimony in this case to identify you as a Mississippi Chocktaw. Your testimony in this case of June 6th, 1900. The decision of the Department of Interior in the matter of the application of Jennie Izard, nee Penny, as a Mississippi Chocktaw will be furnished you in writing and mailed to you at your present post-office address."

You will therefore understand that the Commission at that time refused and application for identification as a Mississippi Chocktaw of Tennie Izard but has not been able up to this time to

J. C. L.

furnish the written judgment stating the reasons of the action of the Commission but will do so in the near future, a copy of which will be mailed your wife at her present post-office address.

Yours truly,

Acting Chairman.

M. C. R66

M. C. R. 88.

COPY.

Muskogee, Indian Territory, May 25, 1903.

Tommie Izard,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John R. Penny, et al., embracing the following applications for identification as Mississippi Choctaws:

John R. Penny, et al.,	M C R 85
Tommie Izard,	M C R 86
Della Newton, et al.,	M C R 8013

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of John R. Penny, Mattie Penny, Walter Penny, Claude Penny, Aud Penny, Guy

COPY

T I---2

Penny, Emmie Ward, Della Newton, George Newton and Bertha Newton as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED): Tams Bixby

Acting Chairman.

Registered.

COPY.

M.C.R. 66.

Muskogee, Indian Territory, July 8, 1908.

Tennie Isard,

Ego, Indian Territory.

Dear Madam:

You are hereby advised that on the 23d day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John R. Penny, et al., of which decision you were advised by registered mail on the 23d day of May, 1908.

Yours truly,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

Miss.Choctaw R66.

Muskogee, Indian Territory, January 27, 1903.

J. C. Izard,

Ego, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of January 19, in which you ask whether your wife, Tommie Izard, was enrolled at Colbert, Indian Territory, in June, 1900, as a Mississippi Choctaw

In reply to your letter you are advised that it appears from our records that on June 15, 1900, Tommie Izard, wife of John C. Izard, made application for identification as a Mississippi Choctaw. On May 13, 1902, the Commission rendered its decision refusing her application, and on May 23, 1902, the record in the case was transmitted to the Secretary of the Interior for review. On June 23, 1902, the action of the Commission in refusing this application was approved by the Department, and due notice of both the action of the Commission and the Department was forwarded Tommie Izard.

Respectfully,

Acting Chairman.

M C R 66

Muskogee, Indian Territory, January 24, 1905.

Wolfe & Wright,

Attorneys at Law,

Tishomingo, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, enclosing the affidavit of John C. Izard, in which he asks that his wife, Tommy E. Izzard be enrolled as an intermarried Choctaw Indian.

In reply you are informed it appears from our records that on June 15, 1900, Tommie Izard, wife of John C. Izard, made application for identification as a Mississippi Choctaw. On May 13, 1902, the Commission rendered its decision refusing her application, and on May 23, 1902, the record in the case was transmitted to the Secretary of the Interior for review. On June 23, 1902, the action of the Commission in refusing this application was approved by the Department, and due notice of both the action of the Commission and the Department was forwarded Tommie Izard.

Under existing legislation the Commission is without authority to receive the original application of any person for enrollment as a citizen of the Choctaw or Chickasaw Nations, and the affidavit of John C. Izard is herewith returned.

Respectfully,

Chairman.

Vol. XIX

Tom Izard

Tom Izard age 17 (Date) 6/15 1900

MEMORANDA.

Name [redacted] Izard (1/16)

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Father John Penny (1/8)
Mother Betty Penny (white).

choc mcR 67 Malinda A. Taylor

refused

see mcR 68

mcR 67

Malinda A Taylor

REFUSED.

DECISION RENDERED. MAY 1 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

MAY 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R.

68

MC-1869

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15, 1900.

In the matter of the application of Malinda A. Taylor for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby she testifies as follows:

Q What is your name? A Malinda A. Taylor.
Q What is your age? A Forty-eight.
Q What is your post-office address? A Sterrett, I.T.
Q How long have you lived in the Indian Territory? A Since August 1899.
Q Where did you live prior to that time? A In Texas.
Q How long had you lived in Texas? A Most all of my life.
Q Where did you live before moving to Texas? A I went from Missouri there.
Q Were you born in Missouri? A Yes sir.
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A John Groves.
Q Is he living? A He is not.
Q Was he a white man or a Choctaw Indian? A Choctaw Indian.
Q What proportion of Choctaw Indian blood did he claim to have? A One-fourth.
Q Was his name ever been upon the Tribal rolls of the Choctaw Nation? A Not that I know of.
Q Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A Not that I know of.
Q What is the name of your mother? A Matilda Groves.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q What proportion of Choctaw blood do you claim to have? A One-eighth.
Q Has your name ever been upon the Choctaw Tribal rolls? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A I did not.
Q You did go before the Dawes Commission about a year ago did you? A Yes.
Q At what place? A Caddo, I.T.
Q Did you claim at that time to be a Mississippi Choctaw? A I did.
Q It does not appear from the testimony taken at that time that you made any claim as a Mississippi Choctaw? A They never asked me about it, but of course I did.
Q What treaty do you claim under? A 1830.
Q Do you claim under any particular provisions of the Treaty of 1830, any particular article of the Treaty of 1830? A No I don't know that I do. I claim that I am a Choctaw of Mississippi.
Q Do you claim under all of the treaties made with the Choctaw Indians? A Under the treaties of 1830 and 1866.
Q You don't rest your claim solely, then upon any one particular article of either of these treaties? A No sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A Not that I know of.
Q You know as to yourself that you never did do you? A Yessir.
Q As to your ancestors you don't know? A I don't know.

Malinda A. Taylor #2

Q You never even heard that your ancestors received any land under that treaty? A Well I can't say that I did.
Q Have you any children? A No sir.
Q Is there any additional statement that you would like to make in regard to your case at this time? A No sir.
Q You think you have stated everything that you know in regard to it? A Yes sir.
Q Have you any papers that you would like to file? A Yes sir, I haven't got them with me.

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw. The decision of the Commission, stating more fully why it cannot identify you as a Mississippi Choctaw under the provisions of the Law of June 28th 1898 will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken insaid case.

M D Green

Subscribed and sworn to before me this 3 day of June 1900.

Act'g Chairman.

Commission to the Five Civilized Tribes,

Gadde, Indian Territory.

In the application of Malinda A. Taylor for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Malinda A. Taylor.

Q How old are you? A Forty-seven.

Q Where are you living? A In the Territory.

Q When did you come to the Territory? A Three or four days ago.

Q Have you moved your family here? A Yes sir.

Q Where were you living up to that time? A In Sherman, Texas.

Q Are you on the rolls? A No sir.

Q Were you ever on the rolls? A No sir.

Q Are your father and mother on the rolls? A No sir.

Com'r McKennon: Enrollment is refused.

Depart[illegible] of the Interior,

Commi[illegible] Tribes.

[illegible] Gadde, Ind[illegible] as

[illegible] and this

[illegible] of

my [illegible]

M D Green

7-R-45

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Malinda A. Taylor for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Malinda A. Taylor, appeared before the Commission at Caddo, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenshi p in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant did not remove to the Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Malinda A. Taylor for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the ____day of _____, 1901.

REFUSED.

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900 ~~1899~~

Name Malinda A. Taylor, (48) Sterrett, I. T.

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? yes (1/8) Mother's citizenship (n. s.)

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

John Groves, (father) (1/4) Read.
Matilda Groves, (mother)

COMMISSIONERS
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 23rd, 1901.

Malinda A. Taylor,

Sterrett, I.T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
REG.M.
M.C.R. 67

M.C.R. 67.

Muskogee, Indian Territory, May 17, 1902.

Malinda A. Taylor,

Sterrett, Indian Territory.

Dear Madame:

You are hereby advised that on the 15th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mahala D. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Mahala D. Shaw.....M.C.R. 68
Malinda A. Taylor.....M.C.R. 67
James W. Kelley.....M.C.R. 69
Ellen Kelley.....M.C.R. 70
May Shirley.....M.C.R. 460
John L. Kelley.....M.C.R. 463

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

M. A. T., 2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mahala D. Shaw, Malinda A. Taylor, James W. Kelley, Eliza Kelley, May Shirley and John L. Kelley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

Muskogee, Indian Territory, June 27, 1902.

Malinda A. Taylor,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mahala D. Shaw, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

SIGNED T. B. Needles.

Commissioner in Charge.

Choc mcR 68 Mahala D. Shaw

rchwd

see mcR 67, 69, 70, 463, 460

mcR 68

Charles A. Shaw.

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF [illegible] MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

MAY [illegible]

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R.

67, 69, 70, 463 & 460.

68

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Mahala D. Shaw Et al

Consolidated

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mahala D. Shaw, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mahala D. Shaw,	M C R 66
Malinda A. Taylor,	M C R 67
James W. Kelley,	M C R 69
Ellen Kelley,	M C R 70
May Shirley,	M C R 460
John L. Kelley,	M C R 463

List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

	Page.
Original application of Mahala D. Shaw, for enrollment as a Choctaw citizen by blood.	1
Original application of Mahala D. Shaw for identification as a Mississippi Choctaw.	2
Written petition of Mahala D. Shaw.	5
Ex parte affidavit of Matilda Ann Groves.	6
Ex parte affidavit of John Lewis.	7
Ex parte affidavit of Jonas Frazier.	8
Ex parte affidavit of John Albertson.	9
Original application of Malinda A. Taylor for enrollment as a Choctaw citizen.	10
Original application of Malinda A. Taylor for identification as a Mississippi Choctaw.	11
Written petition of Malinda A. Taylor.	13

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Ex parte affidavit of Matilda Ann Groves. 14

Ex parte affidavit of John Lewis. 15

Ex parte affidavit of Jonas Frazier. 16

Ex parte affidavit of John Albertson. 17

Original application of James W. Kelley for enrollment as a Choctaw citizen. 18

Original application of James W. Kelley for identification as a Mississippi Choctaw. 19

Written petition of James W. Kelley. 21

Ex parte affidavit of Jonas Frazier. 22

Ex parte affidavit of John Lewis. 23

Ex parte affidavit of Matilda Ann Groves. 24

Ex parte affidavit of Ellen L. Kelley. 25

Ex parte affidavit of John Albertson. 26

Original application of Ellen Kelley for enrollment as a Choctaw citizen. 27

Original application of Ellen Kelley for identification as a Mississippi Choctaw. 28

Written petition of Ellen Kelley. 30

Ex parte affidavit of Matilda Ann Groves. 31

Ex parte affidavit of Jonas Frazier. 32

Ex parte affidavit of John Lewis. 33

Ex parte affidavit of John Albertson. 34

Original application of May Shirley for enrollment as a Choctaw citizen. 35

Original application of May Shirley for identification as a Mississippi Choctaw. 36

Written petition of May Shirley. 38

Ex parte affidavit of John Albertson. 39

Ex parte affidavit of Jonas Frazier. 40

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Ex parte affidavit of John Lewis. 41

Ex parte affidavit of Mahala D. Shaw. 42

Ex parte affidavit of M. A. Groves. 43

Original application of John L. Kelley for enrollment as a Choctaw citizen. 44

Original application of John L. Kelley for identification as a Mississippi Choctaw. 45

Written petition of John L. Kelley. 48

Ex parte affidavit of John Lewis. 49

Ex parte affidavit of Jonas Frazier. 50

Ex parte affidavit of Ellen L. Kelley. 51

Ex parte affidavit of Matilda Ann Groves. 52

Ex parte affidavit of John Albertson. 53

Written decision of the Commission refusing the application of John L. Kelley for identification as a Mississippi Choctaw. 54

Copy of letter of the Commission to John L. Kelley, forwarding said decision. 55

Registry receipt. 56

Final decision of the Commission in the concolidated case of Mahala D. Shaw, et al., for identification as Mississippi Choctaws, refusing said application. 57

Miss. Chect. E-68.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, IND. TER., JUNE 14, 1900.

In the matter of the application of Mrs. Mahala D. Shaw for identification as a Mississippi Choctaw, said applicant being sworn by Acting Chairman Bixby, testified as follows:

By the Commission:

Q What is your name? A Mahala D. Shaw.
Q What is your age? A 48.
Q What is your post-office address? A Sterrett.
Q Do you live at Sterrett? A Yes.
Q How long have you lived at Sterrett? A Since October 1, 1899.
Q Where did you live prior to going to Sterrett? A In Texas.
Q How long did you live in Texas? A I have lived in Texas off and on; I haven't lived there all the time -- have lived in the Territory -- I have lived there and here together.
Q How long had you been living continuously in Texas prior to your removal to Sterrett on October 1, 1899? A 8 or 10 years; I guess.
Q Nothing Where did you live prior to that time? A In the Territory.
Q How long did you live in the Territory at this time -- just before you went to Texas and stayed 10 years? A I think I was here 3 or 4 years.
Q Where did you live immediately preceding these three or four years? A In Texas.
Q How long did you live in Texas at that time? A I could not tell; I was a child.
Q Where were you born? A In Illinois and brought to the Territory when I was very small.
Q Did you ever live in Mississippi? A No sir.
Q Do you claim as a Mississippi Choctaw? A Yes.
Q What is the name of your father? A My father's name was John Groves.
Q Is he living? A No sir.
Q Was he a white man or an Indian? A An Indian.
Q Choctaw Indian? A Yes.
Q What proportion of Choctaw blood did he claim? A 1/4.
Q Did your father ever live in the State of Mississippi? A Yes.
Q Do you know when he lived there? A No sir.
Q Before your birth? A Yes.
Q You are sure though that he lived at one time in Mississippi? A My father's people all came from Mississippi.
Q What is the name of your mother? A Matilda Groves.
Q Is she living? A Yes.
Q Where does she live? A In Sterrett.
Q Is she a white woman? A Yes.
Q Does she claim any Choctaw blood? A No sir.
Q How long has your father been dead? A 16 years.
Q Did he ever live in the Indian territory? A Yes.
Q How long did he live in the Indian Territory? A I can't tell you exactly.
Q Do you know about how long? A I could not tell you because I was small when he first lived here.
Q Do you know whether his name appears upon any of the tribal rolls of the Choctaw nation? A No sir; I don't.

Q Do you know whether your father ever made application to the lawfully constituted authorities of the Choctaw Nation for citizenship? A I don't know.
Q Is your name found upon any of the Choctaw tribal rolls? A Not that I know of.
Q Did you ever make application to the lawfully constituted authorities of the Choctaw Nation for citizenship in that Nation? A No sir.
Q Did you make application to the Dawes Commission in the year 1896 for citizenship in the Choctaw Nation? A No sir.
Q Are you married? A Yes.
Q Have you any children living with you under 21 years of age? A No.
Q The you are making application for yourself alone for identification as a Mississippi Choctaw? A Yes.
Q What is the name of your husband? A John Shaw.
Q You make no application for him? A No sir, he is dead.
Q Under what treaty do you claim as a Mississippi Choctaw? A 1830.
Q Do you claim under any particular article of that treaty or under the treaty as a whole? A Under all the treaty.
Q You do not claim under any other treaty that the treaty of 1830?
Q Under all treaties.
Q Under all treaties between whom? A Under all treaties between the Choctaw Nation and the United States.
Q Then you claim under the Atoka Agreement? A I don't know.
Q Do you know whether you claim under the treaty of 1866? A I claim under all the treaties.
Q You do not claim under any specific article of the treaty of 1830? A I claim under all the treaties.
Q Did you or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir not that I know of.
Q You know whether you ever did, don't you? A I know that I never did.
Q Did either you or any of your ancestors ever claim or receive any land as beneficiaries under the 14th article of the treaty of Dancing Rabbit Creek? A I know I never received any.
Q And you don't know of your ancestors ever having received any? A I don't know.
Q Do you claim anything under the Supplement of the Treaty of 1830? A I don't know.
Q Mrs. Shaw did you ever appear before the Commission to the Five Civilized Tribes before this time? A I appeared at McAlester in 1899.
Q When you appeared before this Commission at McAlester in 1899, you made application for enrollment as a Choctaw by blood, didn't you? A Yes.
Q Did you make any claimant that time as a Mississippi Choctaw? A Yes.
Q Are you sure that you made such a claim? A Certainly.
Q Will you swear positively at this time that you made your application for enrollment at McAlester as a Mississippi Choctaw? A They only asked me if I claimed by blood, but that I always knew I was a Mississippi Choctaw.
Q But would not swear positivelythat you made that statement there at that time? A I think I did. I almost know I did. I know I said that.
Q You are sure that at the time you went to McAlester to make application for enrollment you understood what was meant by the term Mississippi Choctaw? A Yes.

Statement:

The testimony of this witness taken at South McAlester does not show that she made a claim as a Mississippi Choctaw.

By Mr. Poole, her Attorney:
Q Your understanding was that all questions propounded to you and all answers made by you to the Commission at that time relative to your being a Mississippi Choctaw? A Yes, of course.

By the Commission:
Q Is there any additional statement in regard to your case that you desire to make at this time? A No sir.
Q Have you any affidavits or other papers which you desire to file with the Commission at this time? A None at present.

The Commission is unable fromthe testimony in this case to identify you as a Mississippi Choctaw under the Act of June 28, 1898. The decision of the commission showing more fully why you cannot be identified by the Commission as a Mississippi Choctaw will be furnished you in writing, and mailed to you at your present postoffice address.

Brown McDonald, being sworn by Acting Chairman Riley, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full, the testimony of the above named applicant, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Acting Sworn to and subscribed before me this 19th day of June, 1900, at Colbert, Indian Territory.

Acting Chairman.

W.E.
C.R.W.
W.O.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Mahala D. Shaw, et al., for identification as Mississippi Choctaws, consolidating the applications of

Mahala D. Shaw,	M C R 68
Malinda A. Taylor,	M C R 67
James W. Kelley,	M C R 69
Ellen Kelley,	M C R 70
May Shirley,	M C R 462
John L. Kelley,	M C R 463

--: D E C I S I O N :--

The record in the above consolidated case shows that there were, originally, six applications made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of Mahala D. Shaw for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Malinda A. Taylor for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of James W. Kelley for the identification of himself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 18, 1900.

In the matter of the application of Ellen Kelley for the

identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of May Shirley for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 21, 1900.

In the matter of the application of John L. Kelley for the identification of himself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 21, 1900.

In accordance with Departmental instructions of June 10, 1901 and July 25, 1901, the Commission to the Five Civilized Tribes has consolidated these several applications into the consolidated case of Mahala D. Shaw, et al., the applicants claiming descent from the same common ancestor, and while these several applications have been so consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure separately.

Taking them in the order above named we find from the record in the case of Mahala D. Shaw that on November 14, 1899, the said Mahala D. Shaw appeared before the Commission at McAlester, Indian Territory, and there made personal application for enrollment as a Choctaw citizen by blood, and that said application was refused on the ground that her name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 15, 1900, the said Mahala D. Shaw appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw

Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from John Groves, an alleged one fourth blood Choctaw, and Matilda Groves, a white woman, who are the parents of this applicant.

The record in this case further shows that the applicant, Mahala D. Shaw, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of Matilda Ann Groves, John Lewis, Jonis Frazier and John Albertson. By the oral statement of the applicant it is attempted to be shown that she was born in Illinois in about the year 1847, and that for about nine months prior to the making of her original application she had been a resident of Indian Territory, and claims to be possessed of some Choctaw blood but she does not state how much. She only attempts to trace her alleged Choctaw descent to her father, who she claims once lived in Mississippi,

but she does not state when he so lived, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Matilda Ann Groves it is attempted to be shown that affiant is the mother of the applicant, and that affiant's husband, John Groves, the father of the applicant, was the son of John Groves, who was a son of Mary Groves, (nee Cloud), a full blood Mississippi Choctaw, but affiant contradicts this in further stating that the said Mary Groves was part Chickasaw and part Choctaw. By the ex parte affidavits of John Lewis and Jonis Frazier it is attempted to be shown that John Groves, presumably the father of the applicant, was a grandson of Mary Cloud or Ho-Shon-De, a part Choctaw and part Chickasaw. By the ex parte affidavit of John Albertson it is attempted to be shown that affiant knew Mary Cloud, the wife of John Groves, presumably the great-grandmother of the applicant in the state of Mississippi, and that she was a full blood Choctaw and had a son named John Groves and also a grandson named John Groves, and that her descendants removed to Indian Territory. There is nothing in any of the affidavits to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the tribal authorities in the old Choctaw nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is

filed herewith the written petition of the applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Malinda A. Tayler, and the record therein shows that during the month of August, 1899, the said Malinda A. Tayler appeared before the Commission at Caddo, Indian Territory, and there made personal application for her enrollment as a Choctaw citizen by blood, and that such application was refused on the ground that her name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 18, 1900, the said Malinda A. Tayler appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from John Groves, an alleged one fourth blood Choctaw, and Matilda Groves, a white woman, who are the parents of this applicant.

The record in this case further shows that the applicant, Malinda A. Tayler, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to

Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of Matilda Ann Groves, John Lewis, Jonis Frazier, and John Albertson. By the oral statement of the applicant it is attempted to be shown that she was born in Missouri in about the year 1852, and that for about ten months prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. The only attempts to trace her alleged Choctaw descent to her father, and there is nothing in her testimony which would tend to show that her said father, or any other of her alleged Choctaw ancestors, were ever recognized by the Choctaw tribal authorities in the old Choctaw nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Matilda Ann Groves it is attempted to be shown that affiant is the mother of the applicant, and that affiant's husband, John Groves, the father of the applicant, was the son of John Groves, who was a son of Mary Groves (nee Cloud), a full blood Mississippi Choctaw, but affiand contradicts this in further stating that the said Mary Groves was part Chickasaw and part Choctaw. By the ex parte affidavits of John Lewis and Jonis Frazier it is attempted to be shown that John

Greves, presumably the father of the applicant, was a grandson of Mary Cloud or Ho-Shom-De, a part Choctaw and part Chickasaw. By the ex parte affidavit of John Albertson it is attempted to be shown that affiant knew Mary Cloud, the wife of John Greves, presumably the great grandmother of the applicant, in the state of Mississippi, and that she was a full blood Choctaw, and had a son named John Greves and also a grandson named John Greves, and that her descendants removed to Indian Territory. There is nothing in any of the affidavits to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant, but it cannot be considered in evidence as it is simply a statement of facts expected to be proven by her.

The next in order of the above applications is that of James W. Kelley, and the record therein shows that on November 14, 1899, the said James W. Kelley appeared before the Commission at McAlester, Indian Te rritory, and there made personal application for enrollment as a Choctaw citizen by blood, and that such application was refused on the ground that his name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 15, 1900, the said James W. Kelley appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a

descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Ellen Groves, an alleged one eighth blood Choctaw, and L. W. Kelley (blood not given), who are the parents of this applicant.

The record in this case further shows that the applicant, James W. Kelley, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of Jonas Frazier, John Lewis, Matilda Ann Groves, Ellen L. Kelley and John Alberteon. By the oral statement of the applicant it is attempted to be shown that he was born in Texas in about the year 1874, and that for about eight months prior to the making of his original application he had been a resident of Indian Territory and claims to be an one sixteenth blood Choctaw. He only attempts to trace his alleged Choctaw descent to his mother

and there is nothing in his testimony which would tend to show that his said mother ever lived in the old Choctaw Nation, or that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Matilda Ann Groves it is attempted to be shown that affiant is the grandmother of the applicant, and that the applicant's grandfather, the affiant's husband, John Groves, was an one fourth Mississippi Choctaw, and that the applicant is a lineal descendant of Mary Cloud, referred to in the ex parte affidavits of Jonas Frazier and John Lewis, filed herewith. By the ex parte affidavit of Ellen L. Kelley it is attempted to be shown that the applicant is her son, and a grandson of John Groves, an one fourth blood Mississippi Choctaw. By the ex parte affidavits of John Lewis and Jonas Frazier it is attempted to be shown that John Groves, presumably the grandfather of the applicant, is the grandson of Mary Cloud or He-Shen-De, a part Choctaw and part Chickasaw. By the ex parte affidavit of John Albertson it is attempted to be shown that affiant knew Mary Cloud, the wife of John Groves, in the state of Mississippi and that she was a full blood Choctaw and had a son named John Groves and also a grandson named John Groves, and that her descendants removed to Indian Territory. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the

Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Ellen Kelley, and the record therein shows that on November 14, 1899, the said Ellen Kelley appeared before the Commission at McAlester, Indian Territory, and there made personal application for enrollment as a Choctaw citizen by blood, and that such application was refused on the ground that her name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 15, 1900, the said Ellen Kelley appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from John Groves, an alleged one fourth blood Choctaw, and Matilda Ann Groves, a white woman, who are the parents of this applicant.

The record in this case further shows that the applicant, Ellen Kelley, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the

possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of Matilda Ann Groves, Jonas Frazier, John Lewis and John Albertson. By the oral statement of the applicant it is attempted to be shown that she was born in Texas in about the year 1857, and that for about ten months prior to the making of her original application she had been a resident of Indian Territory, and claims to be about an one eighth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her father, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact she expressly states that none of her ancestors ever took advantage of the provisions of article fourteen of the treaty of 1830 or claimed or received any land as beneficiaries thereunder. By the ex parte affidavit of Matilda Ann Groves it is attempted to be shown that affiant is the mother of the applicant and that affiant's husband, John Groves, the father of the applicant, was the son of John Groves, who was a son

of Mary Groves (nee Cloud), a full blood Mississippi Choctaw, but affiant contradicts this in further stating that the said Mary Groves was part Choctaw and part Chickasaw. By the ex parte affidavits of John Lewis and Jonis Frazier it is attempted to be shown that John Groves, presumably the father of the applicant, was a grandson of Mary Cloud or Ho-Shon-De, a part Choctaw and part Chickasaw. By the ex parte affidavit of John Albertson it is attempted to be shown that affiant knew Mary Cloud, the wife of John Groves, presumably the great-grandmother of the applicant, in the state of Mississippi, and that she was a fullblood Choctaw, and had a son named John Groves and also a grandson named John Groves, and that her deependants removed to Indian Territory. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of May Shirley, and the record therein shows that on November 14, 1899, the said May Shirley appeared before the Commission at McAlester, Indian Territory, and there made personal application for enrollment as a Choctaw citizen by blood, and that such application was refused on the ground that her name did not appear upon any of the Choctaw tribal rolls in the possession of the Commission.

The record therein further shows that on June 21, 1900, the said May Shirley appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Mahala D. Shaw, an alleged one eighth blood Choctaw, and John A. Shaw, a white man, who are the parents of this applicant.

The record in this case further shows that the applicant, May Shirley, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of John Albertson, Jonas Frazier, John Lewis, Mahala D. Shaw and M. A. Groves. By the oral statement of the applicant it is attempted to be shown that she was born in Texas in about the year 1870, and that for about ten months prior to the

making of her original application she had been a resident of Indian Territory and claims to be an one sixteenth blood Choctaw. She only attempts to trace her alleged Choctaw descent to her mother, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact she expressly states that none of her alleged Choctaw ancestors ever claimed or received any land as beneficiaries under the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavit of John Albertson it is attempted to be shown that affiant knew Mary Cloud, the wife of John Groves, in the state of Mississippi, and that she was a full blood Choctaw and had a son named John Groves and a grandson also named John Groves, and that her descendants removed to Indian Territory. By the ex parte affidavits of Jonas Frazier and John Lewis it is attempted to be shown that John Groves was a grandson of Mary Cloud or Ho-Shon-De, a part Choctaw and part Chickasaw. By the ex parte affidavits of Mahala D. Shaw and M. A. Groves it is attempted to be shown that the applicant is the daughter and granddaughter of the respective affiants, and the granddaughter of John Groves, an one fourth blood Mississippi Choctaw Indian. The affiant, M. A. Groves, further states that this applicant is a lineal descendant of Mary Cloud, referred to in the affidavits of Jonas Frazier and John Lewis filed herein. There is nothing in any of these ex parte affidavits which would tend to show that any of

the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The last in order of the above applications is that of John L. Kelley, and therrecord therein shows that on November 14, 1899, the said John L. Kelley appeared before the Commission at McAlester, Indian Territory, and there made personal application for enrollment as a Choctaw citizen by blood, and that such application was refused on the ground that his name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record therein further shows that on June 21, 1900, the said John L. Kelley appeared before the Commission at Colbert, Indian Territory and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Ellen Kelley, an alleged one eighth blood Choctaw, and James W. Kelley (blood not given), who are the parents of this applicant.

The record in this case further shows that the applicant,

John L. Kelley, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of John Lewis, Jonas Frazier, Ellen L. Kelley, Matilda Ann Groves and John Albertson. By the oral statement of the applicant it is attempted to be shown that he was born in Texas in about the year 1878, and that for about ten months prior to the making of his original application he had been a resident of Indian Territory and claims to be an one sixteenth blood Choctaw. He attempts to trace his alleged Choctaw descent through his mother to his grandfather, John Groves, but states that his said mother did not live with the Choctaw Indians in Mississippi in 1830, and he does not know whether or not his said grandfather so lived. There is nothing in his testimony which would tend to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and in fact he expressly states that his ancestors

never took advantage of article fourteen of the treaty of 1830 or claimed or received any land in Mississippi as beneficiaries thereunder. By the ex parte affidavit of Matilda Ann Groves it is attempted to be shown that affiant is the grandmother of the applicant, and that the applicant's grandfather, the affiant's husband, John Groves, was an one fourth Mississippi Choctaw, and that the applicant is a lineal descendant of Mary Cloud, referred to in the ex parte affidavits of John Lewis and Jonas Frazier, filed herein. By the ex parte affidavit of Ellen L. Kelley it is attempted to be shown that the applicant is her son, and a grandson of John Groves, an one fourth blood Mississippi Choctaw. By the ex parte affidavits of John Lewis and Jonas Frazier it is attempted to be shown that John Groves, presumably the grandfather of the applicant, is the grandson of Mary Cloud or Ho-Shon-De, a part Choctaw and part Chickasaw. By the ex parte affidavit of John Albertson it is attempted to be shown that affiant knew Mary Cloud, the wife of John Groves, in the state of Mississippi and that she was a full blood Choctaw and had a son named John Groves and also a grandson named John Groves, and that her descendants removed to Indian Territory. There is nothing in any of these ex parte affidavits which would tend to show that any of the alleged Choctaw ancestors of the applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant but it cannot be considered in evidence as it is simply a statement

of the facts expected to be proven by him.

The record in these cases further shows that on February 19, 1901, there was forwarded by the Commission to John L. Kelley, a written decision refusing the application which he had made for the identification of himself as a Mississippi Choctaw.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony considers these cases as closed, and the evidence offered in support thereof embraces the oral statements of the applicants given at the making of their original applications, and the documentary evidence filed by them. By such evidence it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from John Groves (Jr,) the father of the principal applicant in this group, and John Groves (Sr), the grandfather of the said principal applicant, and Mary Groves (nee Cloud), the great-grandmother of the said principal applicant. In order that these applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that they are descendants of a Choctaw Indian who lived in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek", as the head of a family, or who was the child of a recognized Choctaw Indian who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether John Groves (Jr.), the father of the principal applicant in this group, or John Groves, (Sr.), her grandfather, or Mary Groves (nee

Cloud), her great grandmother, was living in the old Choctaw Nation in 1830 as a recognized Choctaw Indian, or which of them, if any, complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the Commission of these persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830 is for the names of the said principal applicant's father, grandfather and great grandmother, and it does not appear from said records that any persons bearing said names ever signified their intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented their claims as beneficiaries under said article to either of the commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Nahala

D. Shaw, Malinda A. Tayler, James W. Kelley, Ellen Kelley, May Shirley and John L. Kelley, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

C. R. Breckinridge.

Commissioners.

Muskogee, Indian Territory,

MAY 13 1902.

(Copy)

Land
50,119-1902.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington

May 21, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report dated May 17, 1902, from the Acting Chairman of the Commission to the Five Civilized Tribes, transmitting the record in the consolidated Mississippi Choctaw case of Mahala D. Shaw, et al.

The applicants in this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of Article 14 of the treaty of September 27, 1830.

The parties to this case are:

Mahala D. Shaw,
Malinda A. Taylor,
James W. Kelley,
Ellen Kelley,
May Shurley,
John E. Kelley.

The applicants in this consolidated case attempt to trace their descent through John Groves, Jr., and John Groves, Sr., father and grandfather, respectively, of the principal applicant, to Mary Groves Nee Cloud, or Ho-shon-de, great grandmother of said principal applicant.

May 13, 1908, the commission decided that the applicants were not entitled to identification.

The office does not consider the record sufficient to warrant the identification of these parties and a careful search of its records pertaining to the Choctaws who complied with the provisions of the 14th article of the treaty has been made and no record has been found showing that John Groves, Jr., or John Groves, Sr., or Mary Groves nee Cloud or Ho-shon-de, applied or attempted to comply with the provisions of said treaty.

It is therefore respectfully recommended that the decision of the commission be approved.

Very respectfully,

Your obedient servant,

A.C. Tonner,

Acting Commissioner

(G.A.W.)

P.

16173-1902 (D.C.No.) J.W.M.

DEPARTMENT OF THE INTERIOR.

CMR

WASHINGTON.

I.T.D. 3422-1902.

L.R.S.

June 17, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 17, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Mahala D. Shaw; of Malinda A. Taylor; of James W. Kelley; of Allen Kelley; of May Shirley; and of John L. Kelley.

The applicants attempt to trace their descent through John Groves, Jr. and John Groves, Sr., father and grandfather, respectively, of the principal applicant, to Mary Groves, nee Cloud, or Ho-shen-da, great grandmother of Mahala D. Shaw, the principal applicant.

May 13, 1902, you refused the application, and the Acting Commissioner of Indian Affairs forwarded your decision on May 31, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, above named, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

The Department upon review of the whole case, approves your action, and your decision is affirmed.

A copy of the report of the Acting Commissioner of Indian Affairs is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

E. M.D.

1 enclosure.

[illegible]

Examination in the Five Civilized Tribes,

Ballenger, I.T., Nov. 14, 1899.

In the enrollment of Mahala Shaw as a Choctaw; being sworn and examined by Capt. McKenna she testifies as follows:

Q What is your name? A Mahala Shaw.

Q How old are you? A Fifty-two.

Q When did you come to the Territory? A Four months ago.

Q Where from? A I came from Texas.

Q How long had you been living in Texas? A I had been living there off and on ever since I was small,- the greater part of my life.

Q Had you ever lived in the Territory before? A Yes sir.

Q When? A It has been about thirty-two years ago.

Q How long did you live in the Territory thirty-two years ago? A I don't know exactly how long; I was there back and forth; my husband was there in business and I staid there with him part of the time and he died there; then I went back to Texas.

Q Since that time you have been living in Texas until you came here four ~~[illegible]~~ months ago? A Yes sir.

Q You are not on any Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Nor your father and mother? A No sir.

Q Did they ever live in the Territory here? A My mother didn't.

Q Was your father a white man? A He was part Choctaw.

Q What degree of Choctaw blood have you? A I think about one-eighth.

Q What was your father? A He was I think one-fourth.

Q What was your mother? A She was a white woman; my father claimed by his grandmother.

Comr McKennon: We have no authority to enroll you; enrollment is refused.

7-R-464

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mahala Shaw for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Mahaha Shaw, appeared before the Commission at McAlester, Indian Territory, November 14, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never bee n on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory; on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant did not remove to the Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Mahala Shaw for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____day of _____, 1901.

CHOCTAW NATIO

TRIBAL ENROLLMENT

SEX _____ YEAR _____ COUNTY _____ No. _____ SLAVE OF— _____ NAME OF FA

REFER TO M. C. R. 68

Mohala W Shaw
et al

Consolidated Case

John Groves white married Mary Chent full blood and Cherokees & Choctaws ?

John Groves wife Nanly Groves

John Groves 1/4 Dead wife Matilda Ann Groves

rnb R 68 Makala W. Groves 53 c married John Shaw Dead

rnb R 460 May Shaw 30 1/16 m Shirley

rnb R 67 Malinda A. Groves 48 1/8 married E. D. Taylor

rnb R 70 Ellen Groves 43 1/8 married L. W. Kelley

rnb R 69 James W Kelley 25 1/16

rnb R 463 John L Kelley 22 1/16

Muskogee, Indian Territory, May 18, 1900.

Mr. Chester Howe,

623 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of application and petition in the case of Mahala D. Shaw, et al. vs. Choctaw Nation, forwarded by you to the Secretary of the Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission.

The same are returned to you herewith, for the reason that there is no record of Mahala D. Shaw or any of the parties interested in this cause ever having applied to the Commission for identification as Mississippi Choctaws. The testimony on file in this office shows that they applied for enrollment as Choctaws, and not for identification as Mississippi Choctaws. The Commission cannot receive written applications, but must require the personal appearance of all applicants for identification as Mississippi Choctaws, for examination, under oath, at which time they will be allowed to submit any additional testimony or affidavits which they may desire, in furtherance of their claims.

The petitioners may now appear at this office, if they desire. The Commission, however, will be at Atoka, in the Choctaw Nation, from Monday June 4th to Friday June, 8th, and at Colbert, in

C.H. 2.

the Chickasaw Nation, from Monday June 11th to Saturday June 16th, 1900, inclusive, for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations, and applications for identification as Mississippi Choctaws. You will please so advise the interested parties in said cause.

Yours truly,

Acting Chairman.

3-18

M.C.R., 68.

Muskogee, Indian Territory, May 17, 1903.

Mahala D. Shaw,

Sherrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mahala D. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Mahala D. Shaw.....M.C.R. 68
Malinda A. Taylor.....M.C.R. 67
James W. Kelley.....M.C.R. 69
Ellen Kelley.....M.C.R. 70
May Shirley.....M.C.R. 460
John L. Kelley.....M.C.R. 463.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

M. D. S., E.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mahala D. Shaw, Malinda A. Taylor, James W. Kelley, Ellen Kelley, May Shirley and John L. Kelley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M. C. R. 68.

Muskogee, Indian Territory, May 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mahala D. Shaw, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Mahala D. Shaw.....M.C.R. 68
Malinda A. Taylor.....M.C.R. 67
James W. Kelley.....M.C.R. 69
Ellen Kelley.....M.C.R. 70
May Shirley.....M.C.R. 460
John L. Kelley.....M.C.R. 463.

The Commission has the honor to report that the principal applicants in these several separate applications, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter

of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M. C. R. 68.

Muskogee, Indian Territory, May 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mahala D. Shaw, et al., embracing the following applications for Identification as Mississippi Choctaws:

Mahala D. Shaw.....M.C.R. 66
Malinda A. Taylor.....M.C.R. 67
James W. Kelley.....M.C.R. 69
Ellen Kelley.....M.C.R. 70
May Shirley.....M.C.R. 460
John L. Kelley.....M.C.R. 463.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and

thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mahala D. Shaw, Malinda A. Taylor, James W. Kelley, Ellen Kelley, May Shirley and John L. Kelley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

COPY

M.C.R. 68

Muskogee, Indian Territory, June 27, 1902.

Mahala D. Shaw,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mahala D. Shaw, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

(SIGNED) T. D. Woodson.

Commissioner in Charge.

COPY.

M.C.R. 68

Muskogee, Indian Territory, June 27, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mahala D. Shaw, et al., of which decision you were advised by mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

Sturrett MEMORANDA.

Wife's Father John Sturrett Dead
Mother Matilda " living
Sturrett

Name Mahala D Shaw (Date) 6/15 1900 1899.

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law? Mrs. John Shaw. dead

License filed this day,

Wife's name,

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

None

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Chec MCR 69 names in Kelley

refund

See MCR 68

MCR 69

MISSISSIPPI CHOCTAW

James W. Kelley

REFUSED.

DECISION RENDERED. MAY 13 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

MAY 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R.

68

Commission to the Five Civilized Tribes,

McAlester, I.T., Mar.14,1899.

In the application of James W. Kelly for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A James W. Kelley.

Q How old are you? A Twenty-five.

Q Is Ellen Kelly your mother? A Yes sir.

Q Were you born and raised in Texas? A Yes sir.

Q When did you come to the Territory? A About four months ago

Q You are not on the Choctaw rolls? A No sir.

Q Never have been, nor your mother and father haven't been on the Choctaw rolls? A No sir.

Com'r McKennon: Enrollment is refused.

(Com'r McKennon: Apparently white)

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

MC-R69

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15, 1900.

In the matter of the application of James W. Kelly for identification as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby he testifies as follows:

Q What is your name? A James W. Kelley.
Q What is your age? A Twenty-six.
Q What is your post-office address? A Sterrett I.T.
Q How long have you lived at Sterrett? A I went there in October, 1899.
Q Where did you move from to Sterrett? A Sherman, Texas.
Q How long had you lived inTexas? A I was born in Texas
Q Born there and lived there all your life up to the time you came to the Territory? A Most all the time.
Q Did you ever live in Mississippi? A No sir.
Q What is the name of your father? A L.W.Kelley
Q Is he living? A No sir.
Q Was he a Choctaw Indian? A No sir.
Q What is the name of your mother? A Ellen Groves.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian? A Yes sir.
Q What proportion of Choctaw blood does she claim to have?
A One-eighth.
Q Has her name ever appeared upon the Tribal rolls of the Choctaw Nation? A I think not.
Q Has she ever been recognized as a Choctaw Indian by the Tribal authorities? A I think not.
Q What proportion of Choctaw blood do you claim to have?
A One-sixteenth.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A No sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in 1896? A No sir.
Q You did apply to the Dawes Commission in 1899 did you at McAlester? A Yes sir.
Q Did you claim at that time to be a Mississippi Choctaw? A Yes sir.
Q You didn't so state to the Commission did you? A They didn't ask me.
Q You knew that you claimed to be a Mississippi Choctaw? A Yes sir, always claimed that.
Q Under which treaty do you claim? A Claim under all of them.
Q Under all the treaties ever made between the Choctaw Indians and the Government of the United States, is that right? A Yessir.
Q Did you ever take advantage of theprovisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A Not that I know of.
Q You are not married? A No sir.
Q Is there any additional statement that you would like to make in regard to your case at this time? A No, I believe not.
Q Have you any papers that you desire to file with the Commission?
A Yes sir.
Q Have you got them with you? A No sir.

The Commission is unable from the testimony in this case to

identify you as a Mississippi Choctaw, the decision of the Commission, stating more fully why it cannot identify you as a Mississippi Choctaw under the provisions of the Act of Congress of June 28th 1898 will be furnished you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full, true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

7R-454

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of James W. Kelly for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, James W. Kelly, appeared before the Commission at McAlester, Indian Territory, November 14, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant ha s ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant did not remove to the Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of James W. Kelly for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the ____day of _____, 1901.

REFUSED

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900 ~~1900~~

Name James W. Kelley, (26) Sterrett, I.T.

Choctaw ? Miss, County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes, (1/16) Mother's citizenship CHOCTAW. (1/8)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day, ...

Wife's name, ...

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

Personal appearance and testimony of Colbert, Sr. & Jr. June 15, 1900

L. W. Kelley, (father) Dead.

Ellen Groves, (mother) ✓

"

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20th, 1901.

James W. Kelly,

Sterrett, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

Encl.hh
Reg.M.
M.C.R. 69

M.C.R., 69.

Muskogee, Indian Territory, May 17, 1902.

James W. Kelley,

Sterrett, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mahala D. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Mahala D. Shaw.....	M.C.R.	68
Malinda A. Taylor.....	M.C.R.	67
James W. Kelley.....	M.C.R.	69
Ellen Kelley.....	M.C.R.	70
May Shirley.....	M.C.R.	460
John L. Kelley.....	M.C.R.	463

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

J. W. K., S.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mahala D. Shaw, Malinda A. Taylor, James W. Kelley, Ellen Kelley, May Shirley, and John L. Kelley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman

Register.

COPY.

W.C.R. 69

Muskogee, Indian Territory, June 27, 1902.

James W. Kelley,
Sterrett, Indian Territory.

Dear Sir:-

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mahala D. Shaw, et al., ofwhich decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

(SIGNED) [illegible]

Commissioner in Charge.

Choc mcR 70 Ellen Kelley

see mcR 68

mcR 70

Ellen Kelley.

REFUSED.

DECISION RENDERED. MAY 17 1902

NOTICE OF DECISION MAILED APPLICANT.

MAY 17 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

MAY 17 1902

RECORD FORWARDED DEPARTMENT.

MAY 17 1902

ACTION APPROVED BY SECRETARY OF INTERIOR

JUN 17 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 27 1902

REFER TO M. C. R

68

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I. T., June 15,1900.

In the matter of the application of Ellen Kelly for identification of herself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Dixby she testifies as follows:

Q What is your name? A Ellen Kelley.
Q What is your age? A Forty-three.
Q What is your post-office address? A Starrett, Indian Territory.
Q How long have you lived at Starrett? A Since August past.
Q Since August 1899? A Yes sir.
Q Where did you live before moving to Starrett? A Sherman, Texas.
Q How long had you lived in Texas? A Lived there most all of my life.
Q Where were you born? A In Sherman, Texas.
Q Ever live in Mississippi? A No sir.
Q What is the name of your father? A John Groves.
Q He living? A No sir.
Q Was he a white man or a Choctaw Indian? A Choctaw.
Q What proportion of Choctaw Indian blood did he claim to have?
A Well I couldn't exactly state.
Q You don't know? A No.
Q Was his name ever on the Tribal rolls? A No sir, not that I know of.
Q Was he ever recognized by the Tribal authorities as being a Choctaw Indian? A Not that I know of.
Q What is the name of your mother? A Matilda Ann Groves.
Q Is she living? A Yes sir.
Q Is she a white woman? A Yes sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A One-eighth.
Q How is it you believe you have one-eighth and you don't know what your father claimed? A He claimed one-fourth.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A Not that I know of.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No sir.
Q Did you apply to the Dawes Commission in1896? A No sir.
Q Did you apply to the Dawes Commission in 1899? A I did.
Q Where? A At McAlester.
Q When you appeared before the Dawes Commission in 1899 at McAlester did you state then that you claimed to be a Mississippi Choctaw?
A I did.
Q I have a copy of the testimony which you gave at McAlester on November 14th 1899, and it does not appear that you stated that you were a Mississippi Choctaw at that time? A Well I did.
Q In your opinion then the stenographer didn't get it? A I answered the questions that they asked me, and they asked me that.
Q Do you know the stenographer that took your testimony?
A No sir.
Q Did you ever see him before? A No sir.
Q Have you ever seen him since? A No sir.
Q You don't recognize this gentleman here? A (Referring to the stenographer taking this testimony.)
A No sir I do not.
Q You claim now at any rate to be a Mississippi Choctaw?
A I do.
Q Under which treaty do you claim? A 1830 and 1866.
Q You claim under both the treaties of 1830 and 1866? A Yes sir.
Q Any other treaties? A I suppose all of them.
Q Do you claim under the treaty of 1897? A All treaties I [illegible]

Q You don't base your claim then upon any one article of any particular claim do you? A No sir.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A No sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A No sir.
Q Have you any children under twenty-one and unmarried?
A No sir.
Q Have you got any children at all? A I have two. They are over age.
Q You are just claiming for yourself in this application?
A Yes sir.
Q Is there any additional statement in regard to your case that you would like to make at this time? A No sir.
Q Have you any papers you would like to file with the Commission?
A I have some, but not with me.

The Commission is unable from the evidence in this case to identify you as a Mississippi Choctaw. The decision of the Commission, stating more fully why it cannot identify you as a Mississippi Choctaw claiming under the provisions of the Act of Congress of June 28th 1898, will be furnished to you in writing, mailed to your present post-office address.

M.D.Green, being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported the foregoing case, and that the above and foregoing is a full true and complete transcript of his stenographic notes taken in said case.

M D Green

Subscribed and sworn to before me this 30 day of June 1900.

Acting Chairman.

Department of the Interior
Commission to the Five Civilized Tribes.
I hereby certify, some my official care of transcript is a true, full and correct translation of my stenographic notes.
McKennon

Commission to the Five Civilized Tribes.

McAlester, I.T., Nov.14,1899.

In the application of Ellen Kelly for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Ellen Kelley.

Q How old are you? A Forty-three.

Q You claim Choctaw? A Yes sir.

Q Where are you from? A I am from Gale in the Territory.

Q How long have you been living in the Territory? A About four months.

Q Where did you come from? A From Sherman, Texas.

Q You moved into the Territory four months ago? A Yes sir.

Q How long had you been living in Texas? A All of my life.

Q You never lived in the Territory until four months ago?

A I was living in the Territory in 1894 and 1896, and had my household furni ture and everything here, and then I moved back to Texas and then came to the Territory again.

Q Did you make application to the Dawes Commission in 1896?

A No sir.

Q Never made any application at all? A No sir.

Q Mahala Shaw is your sister? A Yes sir.

Q She never made application either? A No sir.

Q What degree of blood do you claim? A One-eighth.

Com'r McKennon: We have no authority to enroll you; your enrollment is refused.

(Com'r McKennon: Apparently white)

-- -- --

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Ellen Kelly for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Ellen Kelly, appeared before the Commission at McAlester, Indian Territory, November 14, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant did not remove to the Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Ellen Kelly for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the ____day of _____, 1901.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 20th, 1901.

Ellen Kelly,

Sterrett, I.T.

Dear Madam:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw.

Yours truly,

Acting Chairman.

Encl.hh
Reg.Mail
M.C.R.70

M.C.R. 70.

Muskogee, Indian Territory, May 17, 1902.

Ellen Kelley,

Sterrett, Indian Territory.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mahala D. Shaw, et al., embracing the following applications for identification as Mississippi Choctaws:

Mahala D. Shaw.....M.C.R. 68
Malinda A. Taylor.....M.C.R. 67
James W. Kelley.....M.C.R. 69
Ellen Kelley.....M.C.R. 70
May Shirley.....M.C.R. 460
John L. Kelley.....M.C.R. 463.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 496), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mahala D. Shaw, Malinda A. Taylor, James W. Kelley, Ellen Kelley, May Shirley and John L. Kelley as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 70

Muskogee, Indian Territory, June 27, 1902.

Ellen Kelley,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mahala D. Shaw, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

[illegible]

Commissioner in Charge.

MEMORANDA

JUN 15 1900

(Date) JUN 15 1900 Sterrett, I. T.

Name Ellen Kelley (43)

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes. (1/8) Mother's citizenship (N, S)

Intermarried citizen

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personally appeared before me this day at Collins, I. T. June 15, 1900

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

John Groves, (father) (1/4) Dead
Matilda Groves, (mother)
"

Choc MCR 71 Mary A. Wade

refused

MCR 71

See MCR 72, 73, 589, 596, 598

Mary A. Wader et al

REFUSED.

DECISION RENDERED.	MAY 1[illegible] 1902
NOTICE OF DECISION MAILED APPLICANT.	MAY 17 1902
NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.	MAY 17 1902
NOTICE OF DECISION MAILED ATTORNEYS CHOCTAW AND CHICKASAW NATIONS.	MAY [illegible] 1902
RECORD FORWARDED DEPARTMENT.	[illegible] 1902
ACTION APPROVED BY SECRETARY OF INTERIOR.	JUN 16 1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.	[illegible]
NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.	JUN 27 1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.	JUN 27 1902

REFER TO M. C. R.

72, 73, 589, 596, 598

71

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Mary A. Wade
Et al
Consolidated

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Mary A. Wade, et al., for identification as Mississippi Choctaws, consolidating the applications of--

Mary A. Wade, et al.,	M.C.R.	71;
Mildred Edwards, et al.,	M.C.R.	72;
Ida Thomas, et al.,	M.C.R.	73;
Charles H. Wade, et al.,	M.C.R.	589;
William P. Wade, et al.,	M.C.R.	596;
James H. Wade, et al.,	M.C.R.	598.

List of papers forwarded to the Secretary of the Interior, with the record in the above case, together with the page occupied by each in said record.

	page
Original application of Mary A. Wade, et al., before the Dawes Commission, for identification as Mississippi Choctaws,	1
Affidavit of Mary Henn,	3
Affidavit of John Harwood,	4
Affidavit of William R. Nail,	5
Written petition of the principal applicant, addressed to the Commissioner of Indian Affairs,	6
Affidavit of M. M. Lindley,	9
Copy of letter of the Commission, filed with the above affidavit,	10
Original application of Mildred Edwards, et al., before the Dawes Commission, for identification as Mississippi Choctaws,	11

page

Affidavit of John Harwood, 14

Affidavit of William R. Nail, 15

Written petition of the principal applicant, addressed to the Commission to the Five Civilized Tribes, 16

Original application of Ida Thomas, et al., before the Dawes Commission, for identification as Mississippi Choctaws, 19

Affidavit of John Harwood, 21

Affidavit of William R. Nail, 22

Written petition of the principal applicant addressed to the Commission to the Five Civilized Tribes, 23

Original application of Charles H. Wade, et al., before the Dawes Commission, for identification as Mississippi Choctaws, and for the identification of his wife, as an intermarried Mississippi Choctaw, 26

Marriage record between Charles Wade and Connie Smith, 30

Written petition of the principal applicant, addressed to the Commission to the Five Civilized Tribes, 31

Affidavit of John Harwood, 34

Affidavit of William R. Nail, 35

Written decision of the Commission, denying the application of Charles H. Wade, et al., for identification as Mississippi Choctaws, and for the identification of his wife as an intermarried Mississippi Choctaw, 36

Copy of letter of the Commission transmitting above decision to Charles H. Wade, 38

Registry receipt, 39

Original application of William P. Wade, et al., before the Dawes Commission, for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, as an intermarried Mississippi Choctaw, 40

page

Written petition of the principal applicant addressed to the Commission to the Five Civilized Tribes, 43

Marriage record between W.P.Wade and L. B. Roady, 46

Affidavit of William R. Nail, 47

Affidavit of John Harwood, 48

Written decision of the Commission,denying the application of William P. Wade, for identification as a Mississippi Choctaw,and for identification of his wife,as an intermarried Mississippi Choctaw, 49

Copy of letter of the Commission,transmitting the above decision to William P. Wade, 51

Registry receipt, 52

Original application of James H. Wade,et al., before the Dawes Commission,for the identification of himself as a Mississippi Choctaw,and for the identification of his wife as an intermarried Mississippi Choctaw, 53

Written petition of the principal applicant addressed to the Commission to the Five Civilized Tribes, 56

Marriage record between J. H. Wade and Mary A. Moon, 58

Affidavit of William R. Nail, 59

Affidavit of John Harwood, 60

Written decision of the Commission,denying the application of James H. Wade,for the identification of himself as a Mississippi Choctaw,and for the identification of his wife,as an intermarried Mississippi Choctaw, 61

Copy of letter of the Commission transmitting above decision to James H.Wade, 63

Registry receipt, 64

Final decision of the Commission in the consolidated application of Mary A. Wade, et al.,denying said application, 65

1 McRy

Department of the Interior,
Commission to the Five Civilized Tribes,
Selbert, I.T., June 18, 1900.

In the matter of the application of Mary A. Wade, for the enrollment of herself and children as Mississippi Choctaws; being sworn and examined by Acting Chairman Kirby, she testified as follows:

Q What is your name? A Mary A. Wade.
Q How old are you? A 52.
Q What is your post office address? A Wynnewood, I. T.
Q How long have you lived in the Indian Territory? A Nearly 13 years.
Q Where did you live before coming to the Territory? A We lived a while in Texas.
Q How many years did you live in Texas? A 17 years in Texas.
Q Where did you live before that? A I was born in Missouri.
Q Did you live in Missouri until you moved to Texas? A Yes, sir.
Q You have never lived in Mississippi then? A No, sir.
Q What is the name of your father? A Antone Henn.
Q Is he living? A No, sir.
Q Was he an indian or a white man? A He was a white man.
Q What was the name of your mother? A Mary Henn.
Q Is she living? A Yes, sir.
Q Is she a white woman or a Choctaw Indian? A She is part Choctaw Indian.
Q How much Choctaw indian is she? A I think she was 1/4.
Q Has her name ever appeared upon the rolls of the Choctaw Nation? A I don't know, sir.
Q Has she ever been recognized by the Tribal authorities as a Choctaw indian? A I don't know.
Q How much Choctaw blood do you claim to have? A I am supposed to be 1/8.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment? A Not until in this manner.
Q Did you ever apply to the Tribal authorities? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q Under which treaty do you claim? A The Mississippi Choctaws, a descendant of a Mississippi Choctaw.
Q Under which treaty do you claim, under the Mississippi Choctaw treaty? A Yes, sir, a Mississippi Choctaw by blood, I claim the blood from my mother.
Q I understand, but I want to know under which treaty you claim? A I don't know anything about that.
Q Do you claim under any particular treaty, or do you claim under all the treaties? A The treaties that were extended to the descendants of the Mississippi Choctaws.
Q If I understand you correctly then, you do not base your claim solely upon any particular article of any one treaty? A Well, I don't know the treaties.
Q Did you ever take advantage of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir, I don't understand the meaning of it.
Q Did any of your ancestors ever take advantage of the provisions of this treaty, or of this article? A Well, I don't know.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A Well, I don't know that either.

Q Are you claiming for your husband? A No, sir.
Q Have you got any children? A Yes, sir.
Q Do you claim they are Mississippi Choctaws? A Yes, sir.
Q Their claim has the same foundation as your own, has it?
A Yes, sir.
Q Do your children live with you? A Yes, sir.
Q Their residence has always been the same as your own? A Those that are over are are not living with me.
Q I don't want the names of any of your children over age; just those that live with you and are under agr and unmarried?
A Jesse is 20, Marvin is 17, Lanie J. is 15, John is 12, Mary A. is 10, Malvina is 6; that is all.
Q Is there any additional statement in regard to your case that you would like to make at this time? A Yes, sir, there is, but I dan't wish to make it now.
Q Have you any papers with you you would like to file now? A No.
Q What do you mean by not desiring to make an additional statement now, do you want to make it in writing? We are here now for the purpose of hearing any statement that you would like to make? A I am not exactly ready to make it now.
Q Where do you expect to make it; the Commission will probably not be here again, you will have to go to Muskogee? A I can't produce it just now.

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission stating more fully why it cannot identify yourself and your family as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

In the event that you may desire to offer any additional evidence, in the form of statements, affidavits, or other proper papers, for the consideration of the Honorable Secretary of the Interior, you will be permitted to do so.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

-J Y-

C.v.W.
W.O.B.

DEPARTMENT OF THE INTERIOR,

COMMISSION to the FIVE CIVILIZED TRIBES.

In the matter of the application of Mary A. Wade, et al., for identification as Mississippi Choctaws, consolidating the applications of--

Mary A. Wade, et al.,	M.C.R.	71;
Mildred Edwards, et al.,	M.C.R.	72;
Ida Thomas, et al.,	M.C.R.	73;
Charles E. Wade, et al.,	M.C.R.	889;
William P. Wade, et al.,	M.C.R.	886;
James H. Wade, et al.,	M.C.R.	888.

DECISION.

The record in the above consolidated case shows that there were, originally, six applications made separately by the parties named, at the times and places herein set forth, to wit:-

In the matter of the application of Mary A. Wade, for the identification of herself and her six minor children: Jesse, Marvin,

Lanie J., John, Mary A., and Malvina Wade, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 18, 1900;

In the matter of the application of Mildred Edwards, for the identification of herself and her minor child, Justin Edwards, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 19, 1900;

In the matter of the application of Ida Thomas, for the identification of herself and her two minor children: Beulah and Buford Allen Thomas, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 15, 1900;

In the matter of the application of Charles H. Wade, for the identification of himself and his minor child, Ruby Wade, as Mississippi Choctaws, and for the identification of his wife, Cannie C. Wade, as an intermarried Mississippi Choctaw , taken at Muskogee, Indian Territory, August 16, 1900;

In the matter of the application of William F. Wade, for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Lula B. Wade, as an intermarried Mississippi Choctaw, taken at Muskogee, Indian Territory, August 17, 1900;

In the matter of the application of James H. Wade, for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Mary Wade, as an intermarried Mississippi Choctaw, taken at Muskogee, Indian Territory, August 17, 1900.

While these several applications have been consolidated, and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Mary A. Wade, et al., that on June 15, 1900, the said Mary A. Wade appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her six minor children: Jesse, Marvin, Lanie J., John, Mary A. and Malvina Wade, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of Article Fourteen of the Treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek." The principal applicant claims descent from Mary Henn, an alleged one-quarter blood Choctaw, who married Antone Henn, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary A. Wade, and her minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly-constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1898, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex

parte affidavits of Mary Henn, John Harwood and William R. Nail. By the oral statement of the principal applicant it is attempted to be shown that she was born in the State of Missouri in about the year 1848, and, for about thirteen years prior to the time of the making of her original application, had been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw Indian. She does not attempt to trace her alleged Choctaw descent any further back than to her mother, and she offers no testimony tending to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. The ex parte affidavit of Mary Henn (presumably the mother of the principal applicant herein) is simply to the effect that Willis McNally and Rebecca McNally (nee Hanson) were the father and mother, respectively, of the affiant, and that her daughter, Mary A., was lawfully married to J. M. Wade. By the ex parte affidavit of John Harwood and William R. Nail it is attempted to be shown that the affiants are, respectively, 91 and 85 years of age, and that they were born and raised in the State of Mississippi; that they knew the family of Willis McNally and that he had a grand-daughter by the name of Mary Henn (presumably the principal applicant herein), who married Jim Wade. The affiants state that the said Willis McNally and Mary Henn were recognized as Choctaw Indians, but they do not state how or by whom they were so recognized. There is nothing in any of the ex parte affidavits filed herein tending to show that any of the alleged Choctaw ancestors of the principal applicant herein were ever recognized by the Choctaw tribal authorities as members of

the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by her. There is also filed herewith the ex parte affidavit of M. M. Lindly , supported by what purports to be a copy of a letter from A. S. McKennon, addressed to one of the clients of the above named affiant, but said affidavit simply sets forth certain alleged irregularities on the part of the Commission.

The next in order of the above applications is that of Mildred Edwards,et al., and the record therein shows that on June 19, 1900, the said Mildred Edwards appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, Justin Edwards, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of Article Fourteen of the Treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek." The principal applicant claims descent from Mary Wade, an alleged one-eighth blood Choctaw, who married Jim Wade, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mildred Edwards, and her minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the posses-

sion of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces certified copies of ex parte affidavits of John Harwood and William R. Nail. By the oral statement of the principal applicant it is attempted to be shown that she was born in the State of Texas about the year 1878, and, for about twelve years prior to the time of the making of her original application, had been a resident of Indian Territory, and claims to be an one-sixteenth blood Choctaw Indian. She attempts to trace her alleged Choctaw descent through her mother to her grandmother (name not given), who, it is claimed, lived in the State of Mississippi; but it does not appear at that time she was a resident of that State; nor does she offer any testimony tending to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. By the certified copies of the ex parte affidavits of John Harwood and William R. Nail it is attempted to be shown that the affiants are, respectively, 91 and 88 years of age, and that they were born and raised in the State of Mississippi; that they knew the family of Willis McNally and that he had a grand-daughter by the name of Mary Ross (presumably the principal applicant in this consolidated case) who married Jim Wade. The affiants state that the said Willis

McNally and Mary Nesa were recognized as Choctaw Indians, but they do not state how or by whom they were so recognized. There is nothing in either of the ex parte affidavits filed herein tending to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. There is filed herein the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by her.

The next in order of the above applications is that of Ida Thomas, et al., and the record therein shows that on June 15,1900, the said Ida Thomas appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children: Beulah and Buford Allen Thomas, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of Article Fourteen of the Treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek." The principal applicant claims descent from Mary A. Wade, an alleged one-eighth blood Choctaw, who married James Wade, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Ida Thomas, and her minor children for whom application is made, have never been enrolled by the tribal authorities of the

Choctaw Nation as citizens of that tribe, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly-constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces certified copies of ex parte affidavits of John Harwood and William R. Nail. By the oral statement of the principal applicant it is attempted to be shown that she was born in the State of Texas in about the year 1875, and, for about twelve years prior to the time of the making of her original application, had been a resident of Indian Territory, and claims to be an one-sixteenth blood Choctaw Indian. She does not attempt to trace her alleged Choctaw descent any further back than to her mother, and there is nothing in her testimony tending to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. By the certified copies of the ex parte affidavits of John Harwood and William R. Nail it is attempted to be shown that the affiants are, respectively, 91 and 85 years of age, and that they were born and raised in the State of Mississippi; that they knew the family of Willis McNally and that he had a grand-daughter by the name of Mary Henn--

(presumably the principal applicant in this consolidated case), who married Jim Wade. The affiants state that the said Willis McNally and Mary Henn were recognized as Choctaw Indians, but they do not state how or by whom they were so recognized. There is nothing in either of the ex parte affidavits filed herein tending to show that any of the alleged Choctaw ancestors of the principal applicant herein were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. There is filed herein the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by her.

The next in order of the above applications is that of Charles E. Wade, et al., and the record therein shows that on August 16, 1900, the said Charles E. Wade appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of himself and his minor child, Ruby Wade, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of Article Fourteen of the Treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the Treaty of "Dancing Rabbit Creek", and for the identification of his wife, Cammie C. Wade, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary A. Wade, an alleged one-eighth blood Choctaw, who married James Wade, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Charles H. Wade, and his wife and minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor do their names appear upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly-constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the marriage record between Chas. Wade and Cannie C. Smith and certified copies of ex parte affidavits of John Harwood and William R. Nail. By the oral statement of the principal applicant it is attempted to be shown that he was born in the State of Texas about the year 1871, and, for about twelve years prior to the time of the making of his original application, had been a resident of Indian Territory, and claims to be an one-sixteenth blood Choctaw Indian. He attempts to trace his alleged Choctaw descent through his mother to his great-grand-father, Willis A. McNally, but he offers no testimony tending to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830.

By the certified copies of the ex parte affidavits of John Harwood and William R. Hall it is attempted to be shown that the affiants are, respectively, 91 and 86 years of age, and that they were born and raised in the State of Mississippi; that they knew the family of Willis McNally and that he had a grand-daughter by the name of Mary Hann (presumably the principal applicant in this consolidated case), who married Jim Wade. The affiants state that the said Willis McNally and Mary Hann were recognized as Choctaw Indians but they do not state how or by whom they were so recognized. There is nothing in either of the ex parte affidavits filed herein tending to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. The marriage record filed herein is simply evidence of the marriage of the principal applicant and his wife, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herein the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by him.

The next in order of the above applications is that of William P. Wade, et al., and the record therein shows that on August 17, 1900, the said William P. Wade appeared before the Commission at Muskogee, Indian Territory, and there made personal application for identification as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of Article

Fourteen of the Treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek", and for the identification of his wife, Lulu B. Wade, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary A. Wade, an alleged one-eighth blood Choctaw, who married J. M. Wade, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William P. Wade, and his wife for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly-constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces certified copies of the ex parte affidavits of John Harwood and William R. Nail, and the marriage record between W. P. Wade and L. M. Roady. By the oral statement of the principal applicant it is attempted to be shown that he was born in the State of Texas about the year 1871, and for about twelve years prior to the time of the making of his original application, had been a resident of Indian Territory, and

claims to be an one-sixteenth blood Choctaw Indian. He attempts to trace his alleged Choctaw descent through his mother to one William McNally, but he does not state the degree of relationship existing between the said Willis McNally and himself, and he states that he could not swear positively that his alleged ancestor was possessed of Choctaw blood. There is nothing in any of the testimony submitted tending to show that any of the alleged Choctaw ancestors of the principal applicant herein were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. By the certified copies of the ex parte affidavits of John Harwood and William R. Hall it is attempted to be shown that the affiants are, respectively, 91 and 86 years of age, and that they were born and raised in the State of Mississippi; that they knew the family of Willis McNally and that he had a grand-daughter by the name of Mary Henn (presumably the principal applicant in this consolidated case) who married Jim Wade. The affiants state that the said Willis McNally and Mary Henn were recognized as Choctaw Indians, but they do not state how or by whom they were so recognized. There is nothing in either of the ex parte affidavits filed herein tending to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. The marriage record filed herewith is simply evidence of the marriage between the principal applicant and his wife, for whom application is made

as an intermarried Mississippi Choctaw. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by him.

The last in order of the above applications is that of James H. Wade, et al., and the record therein shows that on August 17, 1900, the said James H. Wade appeared before the Commission at Muskogee, Indian Territory, and there made personal application for identification as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the State of Mississippi in 1830 and took advantage of the provisions of Article Fourteen of the Treaty made between the United States Government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the "Treaty of Dancing Rabbit Creek," and for the identification of his wife, Mary Wade, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary A. Wade, an alleged one-eighth blood Choctaw, who married James H. Wade, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, James H. Wade, and his wife for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the marriage record between J. H. Wade and Mary A. Moss and certified copies of the ex parte affidavits of John Harwood and William R. Nail. By the oral statement of the principal applicant it is attempted to be shown that he was born in the State of Texas about the year 1873, and, for about twelve years prior to the time of the making of his original application, had been a resident of Indian Territory, and claims to be an one-sixteenth blood Choctaw Indian. He attempts to trace his alleged Choctaw descent through his mother to one Wallace McHack, who, it is claimed, was a resident of the State of Mississippi in the year 1830; but he offers no testimony tending to show the degree of relationship existing between said Wallace McHack and himself, or that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830.

NOTE: There is an apparent discrepancy between the testimony of the principal applicant, James H. Wade, and the other principal applicants herein, and also between the testimony of the said James H. Wade and the ex parte affidavits filed by him, as to the name of his alleged Choctaw ancestor, whom he claims was a resident in the State of Mississippi in 1830, inasmuch as it appears in his testimony that said alleged Choctaw ancestor was named Wallace McHack, while in all of the other testimony in this consolidated case it appears as Willis McNally. After a careful examination of all said testimony, no doubt is entertained by the Commission that the name of Willis McNally is the correct name of the common ancestor from whom these applicants claim their alleged Choctaw descent.

By the certified copies of the ex parte affidavits of John

Harwood and William H. Nail it is attempted to be shown that the affiants are, respectively, 61 and 55 years of age, and that they were born and raised in the State of Mississippi; that they knew the family of Willis McNally, and that he had a grand-daughter by the name of Mary Hahn (presumably the principal applicant in this consolidated case), who married Jim Wade. The affiants state that the said Willis McNally and Mary Hahn were recognized as Choctaw Indians, but they do not state how or by whom they were so recognized. There is nothing in either of the ex parte affidavits filed herein tending to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the State of Mississippi, or that they ever complied or attempted to comply with any of the provisions of Article Fourteen of the Treaty of 1830. The marriage record filed herewith is simply evidence of the marriage between the principal applicant and his wife, for whom application is made as an intermarried Mississippi Choctaw. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by him.

The record in these cases shows that on February 24, 1901, there was forwarded by the Commission to Charles E. Wade a written decision denying the application he had made for the identification of himself and minor child as Mississippi Choctaws and for the identification of his wife as an intermarried Mississippi Choctaw; and on March 1, 1901, there were forwarded by the Commission to William F. Wade and James E. Wade written decisions denying the applications they had made for identification as Mississippi Choctaws and for the

identification of their wives as intermarried Mississippi Choctaws.

In accordance with Departmental instructions of June 10, 1901, and July 25, 1901, the Commission to the Five Civilized Tribes consolidated the within cases under the head of Mary A. Wade,et al., --the applicants claiming descent from the same common ancestor.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed; and the only evidence offered in support thereof consists of oral statements of the several principal applicants and the documentary evidence filed by them; and by said evidence it is attempted to be shown that all the applicants herein derive their alleged Choctaw blood from Mary Henn, (nee McNally) (the mother of the principal applicant in this group of consolidated cases) and through her from her father, Willis McNally. While it does not appear from the testimony that Mary Henn (nee McNally) was living in Mississippi in 1830, yet, from the testimony of the principal applicant, Mary A. Wade, it appears that she was born in 1848, it being eighteen years after the ratification of the Treaty of "Dancing Rabbit Creek", and would tend to show that the said Mary Henn (nee McNally) was at least born at that time; and in the event that she was living in 1830, these applicants will not be permitted to rely upon an alleged Choctaw ancestor more remote, but must show a compliance on the part of Mary Henn (nee McNally) with the provisions of Article Fourteen of the Treaty of 1830; but inasmuch as no positive statement by any of the applicants herein, or their witnesses as to the exact date of the birth of Mary Henn (nee McNally) and in view of a possibility of an error as

to the exact age of the principal applicant (she apparently being an ignorant person), the Commission will permit these applicants to attempt to show a compliance on the part of their more remote alleged Choctaw ancestor, Willis McNally, with the provisions of Article Fourteen of the Treaty of the Treaty of 1830; but from the testimony offered by these applicants no such compliance is shown; and it does not appear from the records of the Commission of those persons who complied or attempted to comply with the provisions of Article Fourteen of the Treaty of 1830 that any person bearing the name of Willis McNally (or one bearing the name of Mary Henn ,nee McNally) ever appeared before Colonel Wm. Ward, Indian Agent, Choctaw Agency, and signified an intention to comply with the provisions of Article Fourteen or presented his claim as a beneficiary under said Article to either of the Commissions duly authorised by the Acts of Congress of March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513), for the adjudication of such claims.

The authority vested in the Commission by the twenty-first Section of the Act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under Article Fourteen of the Treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, Eighteen Hundred and Thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto,and make report to the Secretary of the Interior.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary A. Wade,

Jesse Wade, Marvin Wade, Lanie J. Wade, John Wade, Mary A. Wade (Jr.) Malvina Wade, Mildred Edwards, Justin Edwards, Ida Thomas, Beulah Thomas, Buford Allen Thomas, Charles H. Wade, Ruby Wade, William P. Wade and James H. Wade as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Charles H. Wade for the identification of his wife, Cannie C. Wade, and the application made by William P. Wade for the identification of his wife, Lulu B. Wade, and the application made by James H. Wade, for the identification of his wife, Mary Wade, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Dated at Muskogee,
Indian Territory, this MAY 13 1902

Land
30115-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, May 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes, dated May 17, 1902, forwarding the record in the consolidated case of Mary A. Wade, et al., applicants who apply for identification as Mississippi Choctaws entitled to rights in the Choctaw lands under and by virtue of the provisions of article 14 of the treaty of 1830. The parties to this consolidated case are as follows:

Mary A. Wade, et al.,
Mildred Edwards, et al.
Ida Thomas, et al.,
Charles H. Wade, et al.,
William F. Wade, et al.,
James H. Wade, et al.

The principal applicants attempt to trace their descent from Willis McNally and his wife Rebecca McNally, nee Benson, who were the parents of Mary Henn, nee McNally, who is the mother of the principal applicant Mary A. Wade, nee Henn, who married J. M. Wade.

The record in this case shows that Mary A. Wade, nee, McNally, was 52 years of age in 1900. It would seem, therefore, that she was born during the year 1848.

The Commission held that the evidence "would tend to show that said Mary Henn (nee McNally) was at least born at that time"---1830, and that these applicants should therefore be required to trace their descent from her instead of from her parents, Willis and Rebecca McNally. The evidence doesnot show that Mary Henn, Nee McNally, was in being on September 27, 1830. If she were in being and the head of a family in 1830, under the Department's holding in the consolidated case of Susan S. Burton, et al., March 14, 1902, (I.T.D.1896) compliance on her part with the provisions of the treaty would have to be shown, but as the record does not show that she was the head of a family in 1830, search of the records of this office pertaining to parties who complied with the provisions of the 14th article of the treaty of 1830 has been made for the following named parties, to wit:

Willis McNally,
Rebecca McNally, nee Benson,
Mary Henn, Nee McNally.

The record in the case shows that Mary Henn, nee McNally, Married Antone Henn a white man.

May 13, 1902, the Commission held that the parties to this consolidated case were not entitled to identification as Mississippi Choctaws, they not having shown that their alleged ancestor or ancestors complied with the provisions of

the 14th article of the treaty; and no record having been found in this office showing that said alleged original ancestor or ancestors complied with said provisions, the office believes that the decision of the Commission is correct and recommends its approval.

Very respectfully,
Your obedient servant,

A.C.Tonner,
Acting Commissioner.

C.A.W. (S)

D.C. No. 18176-1902.

J.W.M.
CMR

DEPARTMENT OF THE INTERIOR.

I.T.D. 3294-1902. WASHINGTON.

June 17, 1902.

L.R.R.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 17, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws, of Mary A. Wade for herself and her six minor children, Jesse, Marvin, Lonie J., John, Mary A., and Malvina Wade; of Mildred Edwards for herself and her minor child, Justin Edwards; of Ida Thomas for herself and her two minor children, Beulah, and Buford Allen Thomas; of Charles H. Wade for himself and his minor child, Ruby Wade, and his wife, Cannie C. Wade/ of William F. Wade for himself and his wife, Lulu B. Wade; and of James M. Wade for himself and his wife, Mary Wade.

These applicants attempt to trace their Choctaw descent from Willis McNally and his wife, Rebecca McNally (nee Benson), who were the parents of Mary Henn (nee McNally), who is the mother of principal applicant Mary A. Wade (nee Henn), who married James M. Wade.

May 13, 1902, you refused the applications, and the Acting Commissioner of Indian Affairs forwarded your decision on May 24, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw

Nation, or that the alleged ancestors, Willis McNally and Mary Keene (nee McNally), ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The Department, upon review of the whole case, approves your action, and your decision is affirmed. A copy of the report of the Acting Commissioner of Indian Affairs is enclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 enclosure.

CHOCTAW NATIO

SEX _____ TRIBAL ENROLLMENT _____

YEAR _____ COUNTY _____ No. _____ SLAVE OF— _____ NAME OF FA

REFER TO M. C. R. 71

Mary J Wade
et al

Consolidated Case

Willis McNally
choctaw by blood
wife
Rebecca McNally
nee Benson

Mary McNally
married
Antone Henn

mbR 71 Mary A. Henn 52 1/8
married
J. M. Wade

mbR 589 Charles A. Wade 29 1/16
married
Cannie C. Smith 28 1/8
claims I.W. for wife

mbR 589 Ruby Wade 2

mbR 596 William O. Wade 29 1/16
married
Lula M. Roady white
claims I.W. for wife

mbR 598 James H. Wade 27 1/16
married
Mary Moon, white
claims I.W. for wife

mbR 73 Ida Wade 25 1/16
married
Allen Thomas

mbR 73 Beulah Thomas 8 m
" Buford Allen Thomas 2 m

mbR 72 Mildred Wade 22 1/16
married
Martin Edwards

mbR 72 Martin Edwards 2 m

mbR 71 Jesse Wade 20
" Marvin Wade 17
" Lanie J. Wade 15
" John Wade 12
" Mary A. Wade 10
" Malvina Wade 6

REFUSED.

MEMORANDA.

JUN 15 1900 (Date) JUN 15 1900

Name Mary A Wade, (52) Winnewood, I.T.

Choctaw? Miss County Year No.

Chickasaw? County Year Page

Citizen by blood? Yes (1) Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day,

~~Wife's name~~

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

	County	Year	Page	No.
20, Jesse	County	Year	Page	No.
17, Marvin	County	Year	Page	No.
15, Lizzie J	County	Year	Page	No.
12, John	County	Year	Page	No.
10, Mary A	County	Year	Page	No.
6, Melinda	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

Antonia Hell, (father)
Mary Hell, (mother)

Muskogee, Indian Territory, October 16, 1900.

Harley A Lindley,

Attorneys at Law,

South McAlester, Indian Territory .

Gentlemen:

The Commission is in receipt of your letter of the 13th instant enclosing affidavits, evidence of marriage, original petitions and applications and other papers which you request to have filed in cases now pending before the Commission, in which your clients have appeared as applicants for identification as Mississippi Choctaws and for enrollment as citizens [illegible] of the Choctaw Nation.

The affidavit of James Turner offered by you in the matter of the application of Emily Patrick is returned to you herewith for the reason that there is no record of her having appeared before the Commission as an applicant for enrollment or for identification as a Mississippi Choctaw. The rules and regulations of the Department of the Interior and of this Commission require that each and every applicant for enrollment or for identification, must present himself in person before the Commission for the purpose of examination under oath before any record can be made as to their application.

The application for enrollment as a citizen by blood of the Choctaw Nation of George Clapp, is returned to you herewith for the reason that the Commission on September 1st, rendered a judgment refusing the application of George Clapp for enrollment as

H . & L. 2--

a citizen by blood of the Choctaw Nation. The Commission cannot undertake to further consider this case or accept any additional written evidence in support of the applicant's claim. The records of this case, so far as the Commission is concerned, are closed and if it is the desire of Mr. Clapp to have his case presented to the Secretary of the Interior and he will so inform the Commission in writing, the record so made will be transmitted to the Secretary of the Interior.

The papers offered by you for filing in the matter of the application of Nellie Beck et. al for enrollment as citizens by blood of the Choctaw Nation, are returned for the same reason that the Clapp papers are returned. The records of the Commission show that Nellie Beck appeared before the Commission at Calbert, Indian Territory on June 11th, 1900 and that the Commission held her case open until the 30th day of August, 1900, upon which date she was furnished with a written copy of the decision of the Commission refusing the application made by her on her own behalf and on behalf of her minor children. The Commission cannot further consider her application or accept any evidence or testimony submitted in support of such application. If, however, she desires to have her case presented to the Secretary of the Interior, if she will so notify the Commission in writing, the [illegible] made a matter of record and the papers now in the possession of the Commission together with the oral testimony at the time she made her personal appearance at Calbert, will be transmitted.

Receipt is acknowledged of the marriage license and certificate of Joseph R. Dugger and Nellie Shadrick and the same has been filed in the matter of the application of Joseph R. Dugger

et. al for identification as Mississippi Choctaws. (M.C.R-666.)

Receipt is acknowledged of the affidavit of C. C. Leonard, a Justice of the Peace as to the marriage of J. C. Moffett and Jemima Bledsoe and the same has been filed together with the other papers in the matter of the application of Jemima Moffett et. al for identification as Mississippi Choctaws. (M. C. R-675.)

Receipt is also acknowledged of the original application and petition of Sarah Baird for enrollment and identification as a Mississippi Choctaw on behalf of herself and her minor children. The same has been duly filed with the other papers in the matter of the application of Sarah Baird et. al for identification as Mississippi Choctaws. (M. C. R-651.)

The Commission also acknowledges receipt of the marriage license between J. F. Phillips and Mrs. M. S. Tennissel, in the matter of the application of Susan Phillips for identification as an intermarried Mississippi Choctaw and the same has been duly filed with the records of the Commission. (M. C. R-650.)

The Commission also acknowledges receipt of the original application and petition of Timothy Phillips, in the matter of the application for identification as Mississippi Choctaws of Timothy Phillips, his wife and three minor children. Said original petition and application has been duly filed with the recordsof this Commission. (M. C. R-649.)

The Commission acknowledges receipt of what is purported to be certified copies of affidavits of William R Nail and John R. Harwood offered by you for filing in the matter of the application of James H. Wade for the identification of himself and wife as Miss-

issippi Choctaws. The same are returned to you herewith for the reason that what purports to be the certificate of the duly qualified and acting Notary Public, is without signature seal or date. This is not in proper condition to be accepted for filing with the records of this Commission.

The Commission desires to acknowledge the receipt of the certified copy of the affidavit of James Turner offered for filing in the matter of the application of Rachel A. Morgan et. al for identification as Mississippi Choctaws. The same have been duly filed with the records in this case. (M. C. R-597.)

What purports to be the certified copy of affidavit of William R. Nail and John R. Harwood in the matter of the application of William R. Wade et. al for identification as Mississippi Choctaws, is returned to you herewith for the reason that said papers are not in proper condition to be accepted for filing in the records of this Commission. T. D. Taylor, who certifies to the correctness of the affidavits of William R. Nail and John R. Harwood has not attached his signature, notarial seal or date thereto. The same are returned to you herewith for correction.

Receipt is hereby acknowledged of certified copy of the affidavit of James Turner offered by you for filing in the matter of the application of George W. Patrick et. al for identification as Mississippi Choctaws and the same has been duly filed with the other papers in this case. (M. C. R-595.)

The Commission also acknowledges receipt of the certified copy of the affidavit of James Turner, offered for filing in the matter of the application of Thomas J. Patrick et. al for identification as Mississippi Choctaws and the same has been duly filed with

the other papers in this case. (M. C. R-594.)

In the matter of the application for identification as Mississippi Choctaws of Josiah D. and Bessie G. Patrick, the Commission desires to acknowledge receipt of the marriage license and certificate between Josiah D. Patrick and Bessie J. Sherburn and also the certified copy of the affidavit of James Turner. The same have been duly filed with the other papers in this case. (M.C. R-593.)

Receipt is also acknowledged of the certified copy of the affidavit of James Turner offered for filing in the matter of the application of Urish Patrick et. al for identification as Mississippi Choctaws and the same have been duly filed with the other papers in this case? (M. C. R-592.)

In the matter of the application of Susan C. Bickford et. al for identification as Mississippi Choctaws, the Commission acknowledges receipt of the certified copy of affidavit of James Turner offered by you for filing. The same has been duly filed with the records of the Commission. (M. C. R-590.)

There is returned to you herewith what purports to be certified copy of affidavits of William R. Nail and John R. Harwood offered by you for filing in the matter of the application of Charles H. Wade et. al applicants for identification as Mississippi Choctaws, for the reason that there is no certificate of the Notary Public, T. D. Tayler, who certifies to the correctness of the affidavits and neither is the same dated nor is there a notarial seal attached thereto and the same is not in proper condition for filing with this Commission.

Receipt is also acknowledged of the certified copy of the

H & L. 6---

certified copy of affidavit of James Turner offered by you for filing in the matter of the application of Emma C. Adams et. al for identification as Mississippi Choctaws and the same has been duly filed with the records of the Commission. (M. C. R-588.)

In the matter of the application for identification as Mississippi Choctaws of Ida P. Thomas et. al, the Commission is in receipt of the original application and petition of Ida P. Thomas and what purports to be certified copy of the affidavits of John Harwood and William R. Nail. The same are returned to you herewith for the reason that the certified copy of the affidavits of William R. Nail and John Harwood has not been certified to by the Notary Public, T. D. Taylor, by whom the certificate is made as to the correctness of the copies of the original affidavits. The same are not signed and there is no notarial seal attached and are not in proper condition for filing.

The Commission acknowledges receipt of the application of Mildred E. Edwards and also what purports to be certified copies of affidavits of William R. Nail and John Harwood offered by you for filing in the matter of the application of Mildred E. Edwards and Justin Edwards and the same are returned to you herewith for the reason that there is no certificate of a Notary Public as to the correctness of the copies of the original affidavits of William R. Nail and John Harwood and the papers are not in proper form to be accepted by this Commission for filing.

In the matter of the application for identification as Mississippi Choctaws of Mary A. Wade et. al, the Commission acknowledges receipt of the affidavits of John Harwood and William R. Nail and the same have been duly filed with the records of the Commission in this case. (M. C. R-71.)

H. & L. 7---

In conclusion, the Commission has to state and request of attorneys offering papers for filing with the records of the Commission, that they be presented in proper shape for consideration. Papers that are not presented in proper form will not be considered by the Commission.

Yours truly,

Acting Chairman.

M. C. R-71

M. C. R., 71.

Muskogee, Indian Territory, May 17, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Mary A. Wade, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13, 1902.

The above consolidated case embraces the following applications for identification as Mississippi Choctaws heard by the Commission:

Mary A. Wade, et al.....	M.C.R.	71
Mildred Edwards, et al.....	M.C.R.	72
Ida Thomas, et al.....	M.C.R.	73
Charles H. Wade, et al.....	M.C.R.	589
William P. Wade, et al.....	M.C.R.	596
James H. Wade, et al.....	M.C.R.	598.

The Commission has the honor to report that the principal applicants in these several seperate applications, their attorneys of record, and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of

the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M. C. R., 71.

Muskogee, Indian Territory, May 17, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Wade, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Wade, et al.....M.C.R. 71
Mildred Edwards, et al.....M.C.R. 72
Ida Thomas, et al.....M.C.R. 73
Charles H. Wade, et al.....M.C.R. 589
William P. Wade, et al.....M.C.R. 596
James H. Wade, et al.....M.C.R. 598.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the

M. M. & C.

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary A. Wade, Jesse Wade, Marvin Wade, Lonie J. Wade, John Wade, Mary A. Wade (Jr.), Malvina Wade, Mildred Edwards, Justin Edwards, Ida Thomas, Beulah Thomas, Buford Allen Thomas, Charles H. Wade, Ruby Wade, William P. Wade and James H. Wade, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Charles H. Wade for the identification of his wife, Cannie C. Wade, and the application made by William P. Wade for the identification of his wife, Lulu B. Wade, and the application made by James H. Wade for the identification of his wife, Mary Wade, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 71.

Muskogee, Indian Territory, May 17, 1902.

Mary A. Wade,

Wynnewood, Indian Territory.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Wade, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Wade, et al.....M.C.R. 71
Mildred Edwards, et al.....M.C.R. 72
Ida Thomas, et al.....M.C.R. 73
Charles H. Wade, et al.....M.C.R. 589
William P. Wade, et al.....M.C.R. 596
James H. Wade, et al.....M.C.R. 598.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary A. Wade, Jesse Wade, Marvin Wade, Lanie J. Wade, John Wade, Mary A. Wade, (Jr.), Malvina Wade, Hildred Edwards, Justin Edwards, Ida Thomas, Beulah Thomas, Buford Allen Thomas, Charles H. Wade, Ruby Wade, William P. Wade and James H. Wade as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Charles H. Wade for the identification of his wife, Cannie C. Wade, and the application made by William P. Wade for the identification of his wife, Lulu B. Wade, and the application made by James H. Wade, for the identification of his wife, Mary Wade, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M. C. R., 71.

Muskogee, Indian Territory, May 17, 1903.

Harley & Lindley,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Wade, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Wade, et al.....M.C.R. 71
Mildred Edwards, et al.....M.C.R. 72
Ida Thomas, et al.....M.C.R. 73
Charles H. Wade, et al.....M.C.R. 589
William P. Wade, et al.....M.C.R. 596
James H. Wade, et al.....M.C.R. 598.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths,

H. & L., S.

examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary A. Wade, Jesse Wade, Marvin Wade, Lennie J. Wade, John Wade, Mary A. Wade, (Jr.), Malvina Wade, Mildred Edwards, Justin Edwards, Ida Thomas, Beulah Thomas, Buford Allen Thomas, Charles H. Wade, Ruby Wade, William P. Wade and James H. Wade, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Charles H. Wade for the identification of his wife, Cannie C. Wade, and the application made by William P. Wade for the identification of his wife, Lulu B. Wade, and the application made by James H. Wade for the identification of his wife, Mary Wade, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

Miss. Choc. 71

Muskogee, Indian Territory, March 18, 1902.

J. M. Wade,

Whitebead, Indian Territory,

Dear Sir:

Your letter of the eighth instant, addressed to the Secretary of the Interior, has been referred to this Commission for consideration and appropriate action. You ask therein what decision has been rendered in the application of your wife, Mary A. Wade, for identification as a Mississippi Choctaw, and state that she appeared before the Commission at Colbert, Indian Territory.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to your wife's rights as a Mississippi Choctaw, and it is impossible, at this time, to say when her case will be reached for consideration and determination. As soon as a decision is rendered she will be advised of the action taken by the Commission.

Yours truly,

Commissioner in Charge.

M.C.R. 71

Muskogee, Indian Territory, June 27, 1902.

Mary A. Wade,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Wade, et al., of which decision you were advised by registered mail on the 17th day of May.

Yours truly,

T. B. Needles

Commissioner in Charge.

M.C.R. 71

Muskogee, Indian Territory, June 27, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen;

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Wade, et al., of which decision you were advised by mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

M.C.R. 71

Muskogee, Indian Territory, June 27, 1902.

Messrs. Harley & Lindly,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Wade, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

Choctaw MCR 72

Wildred Edwards

Refer To MCR 71

MCR-72

Wardrobe Edwards et al

REFUSED.

DECISION RENDERED.	MAY 13 1902
NOTICE OF DECISION MAILED APPLICANT.	MAY 17 1902
NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANT.	MAY 17 1902
NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.	MAY 17 1902
RECORD FORWARDED DEPARTMENT.	17 1902
ACTION APPROVED BY SECRETARY OF INTERIOR.	1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.	1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.	
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.	JUN 27 1902

REFER TO M. C. R.

Mississippi Choctaw R-72.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER., JUNE 19, 1900.

In the matter of the application of Mildred Edwards for identification as a Mississippi Choctaw, said applicant being sworn by Acting Chairman Bixby, testified as follows:

By the Commission?
Q What is your name? A Mildred Edwards.
Q What is your age? A 22.
Q What is your postoffice address? A Wynnewood, Indian Territory.
Q Where do you live. A In the country near Wynnewood.
Q How long have you lived there? A 12 years.
Q Where did you live prior to going to ~~xxxx~~ Wynnewood? A In Texas.
Q Had you lived there all your life prior to that time? A yes.
Q Then you were born in Texas? A Yes.
Q What was the name of your father? A Jim Wade.
Q Is you father a Choctaw Indian or white man? A White man.
Q What is the name of your mother? A Mary Wade.
Q Is she a white woman? A Mississippi Choctaw.
Q What proportion of Choctaw blood does she claim to have? A 1/8.
Q Is she living? A Yes.
Q Is your father living? A Yes?
Q Where does your mother live? A She lives close to me.
Q How long has she lived there? A Some length of time.
Q Where did she live prior to that? A In Texas.
Q What point in Texas? A In Grayson county.
Q What was your postoffice? A Gardner, Grayson county, Texas.
Q Do you know how long your mother lived in Texas? A No sir, I don't know.
Q Do you know where she lived before she went to Texas? A In Missouri.
Q That was before your birth? A Yes.
Q Do you know how long your mother lived in Missouri? A I don't know.
Q Did she ever live in any other state than Missouri? A Yes.
Q Did she ever live in Mississippi? A Yes.
Q Does the name of your mother appear upon any of the tribal rolls of the Choctaw Nation? A I don't know.
Q Do you know whether she ever made application to the lawfully constituted authorities of the Choctaw Nation for citizenship in that nation? A No sir, my mother never.
Q Did she make application to the Dawes Commission in 1896 for citizenship? A No sir.
Q Does your name appear upon the tribal rolls of the Choctaw Nation? No sir.

Tribal rolls of the Choctaw Nation now in the possession of the this Commission are examined and neither the name of Mary Wade or Mildred Edwards appears thereon.

Q Have you ever appeared before this Commission as an applicant for enrollment? A No sir.
Q Has anyone ever appeared for you? A No sir.
Q Did you ever make application to the lawfully constituted authorities of the Choctaw Nation for citizenship in that Nation? A No.
Q Did you apply to the Commission to the Five Civilized Tribes in the year 1896 for citizenship in the Choctaw Nation? A No sir.
Q Do you claim as a Mississippi Choctaw? A Yes.
Q Under what treaty do you claim as a Mississippi Choctaw? A I claim

all the rights of Mississippi Choctaws.
Q Do you claim your rights under any particular treaty? A No sir.
Q Do you make any claim under the treaty of Dancing Rabbit Creek?
A Not that I know of.
Q Do you base your claim upon the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.
Q Did you or any of your ancestors ever take advantage of the provisions of this 14th article of the treaty of Dancing Rabbit Creek?
A Not that I know of.
Q You know whether you did or not? A I know I did not; my ancestors did not that I know of.
Q Did either you or your ancestors ever claim or receive any land as beneficiaries under article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
Q You know that you never did? A No sir.
Q You never heard of any of your ancestors receiving any benefits, did you? A No sir.
Q Did any of your ancestors ever live in Mississippi? A Yes.
Q Whom? A My grand-mother did live there.
Q Then you don't base you claim specifically under the 14th article of the treaty of Dancing Rabbit Creek, but claim under all the treaties touching the rights of Mississippi Choctaws? A Yes.
Q You make no claim under the Supplement of the Treaty of 1830, do you? A I don't know.
Q What proportion of Choctaw blood do you claim? A 1/16.
Q Are you married? A Yes.
Q What is the name of your husband? A Martin Edwards.
Q Is he living? A Yes.
Q Do you make any claim for him? A No sir.
Q Have you any children? A One baby.
Q What is its name? A Justin Edwards.
Q How old is the baby? A Two months and three weeks.
Q Where were you married to Martin Edwards? A At Davis, I.T.
Q When? A. 18th of January- 18 months ago.
Q 18th of January 1899? A Yes.
Q Do you desire to offer in evidence at this time your marriage license and certificate? A No sir.
Q Do you claimfor your infant daughter, Justin Edwards, the right of a Mississippi Choctaw? A Yes.
Q Then you claim only for your daughter and yourself? A Yes.
Q The foundation of the claim of your daughter is the same as yours?
A Yes.
Q Is there any additional statement with reference to your case that you desire to make at this time? A No sir, not now-- I will later on.
Q Do you intend to appear before the Commission again? A No sir, not unless it is necessary.
Q These statements will be made in writing? A yes
Q Have you any papers you desire to file with the Commission at this time? A No sir.

The Commission is unable from the testimony in this case to identify you or your infant daughter, Justin Edwards, as Mississippi Choctaws. The decision of the Commission showing more fully why it cannot identify you and your infant daughter, Justin Edwards, as Mississippi Choctaws under the Act of June 28, 1898, will be mailed to you in writing at your present postoffice address.

Miss. Choc. R-72.
(3)

Brown McDonald, being sworn by Acting Chairman Bixby, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 19th day of June, 1900, at Colbert, Indian Territory.

Acting Chairman.

Muskogee, Indian Territory, November 8, 1900.

Harlan & Lindsey,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 31st of October, enclosing papers as follows: Certified copies of the affidavits of William H. Nail and John Harwood, offered by you for filing in the matter of the applications of William F. Wade et. al, James H. Wade, et. al, and Charles V. Wade et. al. Petitions and certified copies of the affidavits of William H. Nail and John Harwood offered by you for filing in the matter of the applications for identification as Mississippi Choctaws of Mildred Edwards et. al and Ida Thomas et. al.

These papers being in proper form have been accepted by the Commission and duly filed with the other papers in these cases.

Yours truly,

M. C. P- 73
M. C. P- 72
M. C. P-589
M. C. P-592
M. C. P-595

M. C. R., 72.

Muskogee, Indian Territory, May 17, 1902.

Mildred Edwards,

Wynnewood, Indian Territory.

Dear Madame:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Wade, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Wade, et al.....M.C.R. 71
Mildred Edwards, et al.....M.C.R. 72
Ida Thomas, et al.....M.C.R. 73
Charles H. Wade, et al.....M.C.R. 589
William P. Wade, et al.....M.C.R. 596
James H. Wade, et al.....M.C.R. 598.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 496), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

M. E., 2.

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary A. Wade, Jesse Wade, Marvin Wade, Lanie J. Wade, John Wade, Mary A. Wade, (Jr), Malvina Wade, Mildred Edwards, Justin Edwards, Ida Thomas, Beulah Thomas, Buford Allen Thomas, Charles R. Wade, Ruby Wade, William P. Wade, and James H. Wade, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Charles H. Wade for the identification of his wife, Cannie C. Wade, and the application made by William P. Wade for the identification of his wife, Lulu B. Wade, and the application made by James H. Wade for the identification of his wife, Mary Wade, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

COPY

E.C.P. 98

Muskogee, Indian Territory, June 27, 1908.

Gilmore Moores,

Wynnewood, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of June, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary A. Todd, et al., of which decision you were advised by registered mail on the 17th day of May, 1908.

Yours truly,

(SIGNED) T. L. Sloan

Commissioner in Charge.

Transmitted

MEMORANDA.

(Date) 6/15 1900

Name Mildred Edwards (1/16) age 22

Choctaw? County Year No.

Chickasaw? County Year Page

~~Citizen by blood?~~ Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

~~Husband's name~~ Martin Edwards no claim for Lands

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen?

Married under what law?

License filed this day

Names of children:

Girl Justin Edwards (3 mo)

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Father Jim Wade
Mother Mary Wade (1/8)

Choctaw MCR-73

Ido Thomas

See MCR 71

MCR 73

Ida Thomas et al.

REFUSED.

DECISION [illegible]RED.	MAY [illegible] 1902
NOTICE OF DECISION MAILED APPLICANT.	MAY [illegible] 1902
NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.	1902
NOTICE OF DECISION MAILED ATTORNEYS CHOCTAW AND CHICKASAW NATIONS.	1902
CASE FORWARDED DEPARTMENT.	MAY 17 1902
DECISION APPROVED BY SECRETARY OF INTERIOR.	JUN 16 1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.	JUN 27 1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.	JUN 27 1902
NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.	JUN 27 1902

REFER TO M. C. R.

MC-R73

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

———o———

In the matter of the application of Ida Thomas for the enrollment of herself and her children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Ida Thomas.
Q How old are you? A I am 25.
Q What is your post office address? A Wynnewood.
Q How long have you lived in the Indian Territory? A 12 years.
Q Where did you live before you came to the Territory? A In Texas.
Q Were you born in Texas? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A James Wade.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian? A No, sir.
Q He is a white man? A Yes, sir.
Q What is the name of your mother? A Mary A. Wade.
Q Is she living? A Yes, sir.
Q Was she an indian? A Yes, sir.
Q What proportion of Choctaw blood did she claim to have? A 1/8
Q Has her name ever appeared on the Choctaw Tribal rolls? A No.
Q Has she ever been recognized by the Choctaw Tribal authorities as being a Choctaw Indian? A No, sir.
Q What proportion of Choctaw blood do you claim to have? A About 1/16.
Q Has your name ever appeared on the Tribal rolls? A No, sir.
Q Have you ever been recognised by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q When did you first learn that you were a Mississippi Choctaw?
A I have always knowed I was part indian, Mississippi Choctaw.
Q Under which treaty doyou claim? A Just those that will provide for me.
Q You don't claim specially under any particular treaty? A No, I don't understand them.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q Did any of your ancestors ever take advantage of the provisions of this article? A Not that I know of.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A I know I haven't, but I don't know whether they have or not.
Q You are married? A Yes, sir.
Q What is the name of your husband? A Allen Thomas.
Q Were you married under Choctaw Law? A No, sir.
Q Where were you married? A Near Wynnewood.
Q When? A The 31st day of May, 1896.
Q Do you wish to offer your marriage license and certificate in evidence? A No, sir.
Q What are the names and ages of your children? A Beulah is 18 months old, and Buford Allen is 2 months old.
Q Is there any additional statement in regard to your case you would like to make at this time? A Not none that I would care to make at this time.
Q Have you any papers you would like to file with the Commission?
A No, sir.

Q These children are at home with you, are they? A Yes, sir.

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission showing more fully why it cannot identify you and your children as Mississippi Choctaws under the provisions of the Act of Congress of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Muskogee, Indian Territory, November 8, 1906.

Harley A Sharpe,

Attorney at Law,

South McAlester, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 31st of October, enclosing papers as follows: Certified copies of the affidavits of William H. Hail and John Harwood, offered by you for filing in the matter of the applications of William P. Wade et. al, James H. Wade, et. al, and Charles H. Wade et. al. Petitions and certified copies of the affidavits of William H. Hail and John Harwood offered by you for filing in the matter of the applications for identification as Mississippi Choctaws of Mildred Edwards et. al and Ida Thomas et. al.

These papers being in proper form have been accepted by the Commission and duly filed with the other papers in these cases.

Yours truly,

M. C. R- 73
M. C. R- 72
M. C. R-569
M. C. R-598
M. C. R-595

M.C.R. 73.

Muskogee, Indian Territory, May 17, 1902.

Ida Thomas,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary A. Wade, et al., embracing the following applications for identification as Mississippi Choctaws:

Mary A. Wade, et al.....M.C.R. 71
Mildred Edwards, et al.....M.C.R. 72
Ida Thomas, et al.....M.C.R. 73
Charles H. Wade, et al.....M.C.R. 589
William P. Wade, et al.....M.C.R. 596
James H. Wade, et al.....M.C.R. 598.

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

I. T., E.

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Mary A. Wade, Jesse Wade, Marvin Wade, Lonie J. Wade, John Wade, Mary A. Wade, (Jr), Malvina Wade, Mildred Edwards, Justin Edwards, Ida Thomas, Beulah Thomas, Buford Allen Thomas, Charles H. Wade, Ruby Wade, William P. Wade and James H. Wade, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Charles H. Wade for the identification of his wife, Cannie G. Wade, and the application made by William P. Wade for the identification of his wife, Lulu B. Wade, and the application made by James H. Wade for the identification of his wife, Mary Wade, as intermarried Mississippi Choctaws, should therefore be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

Acting Chairman.

Register.

M.C.R. 73

Muskogee, Indian Territory, June 27, 1902.

Ida Thomas,

Wynnewood, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Chactaws of the several persons included in the consolidated case of Mary A. Wade, et al., of which decision you were advised by registered mail on the 17th day of May, 1902.

Yours truly,

Commissioner in Charge.

REFUSED.

JUN 15 1900

JUN 15 1900

MEMORANDA.

(Date) JUN 15 1900 1899.

Name Ida Thomas. (25) ✓

Choctaw ? Miss. County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes. (1/16) Mother's citizenship Choc. (1/8)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Husband's name, (Husband) Allen Thomas. (No)

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
Beulah ✓	County	Year	Page	No.
Buford A. ✓	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personally appeared and sworn to this 15th day of June 1900 Carl T. Roe

James Wade, (father)
Mary A Wade, (mother)

Choctaw MCR 74

Cora Fox

MCR 74

Choctaw Ent

REFUSED.

DECISION RENDERED. JUN 1 - 1902

NOTICE OF DECISION MAILED APPLICANT.

JUN - 1 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN - 1 1902

RECORD FORWARDED DEPARTMENT.

JUN - 1 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

OCT 27 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT.

NOV -7 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

NOV -7 1902

MC-1894

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Cora Fox for the enrollment of herself and children as Mississippi Choctaws, and for the enrollment of her husband as an intermarried Mississippi Choctaw: being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Cora Fox.
Q What is your age? A 20.
Q What is your post office address? A Sulphur Springs, I. T.
Q How long have you lived at Sulphur Springs? A Only a short time, about two months.
Q Where did you live before moving to Sulphur Springs? A In Texas
Q How long have you lived in the Indian Territory? A 5 or 6 years.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A Jim Terry.
Q Is he living? A Yes, sir.
Q Is he a white man? A Yes, sir.
Q What is the name of your mother? A Ida M. Terry.
Q Is she living? A Yes, sir.
Q Is she a white woman? A No, sir, an indian.
Q What proportion of Choctaw blood does she claim to have? A 1/8.
Q Has her name ever been upon the Tribal Rolls of the Choctaw Nation? A Not before now.
Q It is not on the rolls now, is it? A No.
Q Has she ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir, I don't think so, I don't know.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q Has your name ever appeared upon the Choctaw Tribal rolls?
A No, sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Choctaw authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A Yes, sir.
Q When did you first discover that you were a Choctaw? A I have known it always, have been raised up to the belief I was a Mississippi Choctaw.
Q What is the name of your husband? A John Fox.
Q How old is he? A 22.
Q What is the name of his father? A William M. Fox.
Q Is he living? Yes, sir.
Q What is the name of his mother? A She is dead; Nelle Fox.
Q He claims to be a white man? A Yes, sir.
Q Did you marry him under Choctaw law? A No, sir.
Q Where did you marry him? A Near Ryan, I. T.
Q When? A 3 years ago.
Q Do you wish to offer your marriage license and certificate in evidence? A I haven't them with me, but I will send them on.
Q What are the names and ages of your children? A I have one child two years old, named William Lewis.
Q Your child of course lives with you at home? A Yes, sir.
Q Is there any additional statement in regard to your case you would like to make at this time? A I will present them later.
Q Have you any papers you would like to file? A Not at present.

The Commission is unable from the testimony in this case to

Nora Fox. -8

to identify you and your child as Mississippi Choctaws, or your husband as an intermarried Mississippi Choctaw. The decision of the Commission showing more fully why it cannot identify you and your family as Mississippi Choctaws under the provisions of the Act of Congress of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

———o———

Bruce O. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce O. Jones

Sworn to and subscribed before me this the 29 day of June, 1906.

Commissioner.

[illegible] to [illegible] Commission.

[illegible] to the five civilized tribes.

In the matter of the application of Cora Fox et al., for identification as Mississippi Choctaws. M.C.R. 74.

List of Papers forwarded the Secretary of the Interior comprising the record in the matter of the application of Cora Fox, et al.

M.C.R. 74.

Original application of Cora Fox et al., for identification as Mississippi Choctaws.....1

Copy of letter of the Commission to Cora Fox.....3

Registry receipt.....6

Decision of the Commission denying the application of Cora Fox, et al., for identification as Mississippi Choctaws.....7.

[illegible]

[illegible]

[illegible]

[illegible] OF THE INTERIOR.

[illegible] OF THE FIVE CIVILIZED TRIBES.

In the matter of the application of Dora Fox, et al., for identification as Mississippi Choctaws, D.C.S. 74.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Dora Fox for herself and her minor child, William Lewis Fox, and for the identification of her husband, John Fox, as an intermarried Mississippi Choctaw, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty

between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants of one Ida M. Terry, who is alleged to have been an one-eighth blood Choctaw, but there is nothing in the testimony to show that she ever resided in the state of Mississippi.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830, or of persons who heretofore were claimants thereunder, that the said Ida M. Terry, or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims, by the acts of Congress approved March 3, 1837, (5 Stats., 150) and August 23, 1842, (5 Stats., 513). Neither does it appear from the records in the possession of the Commission that there are affiliated with this case any other persons claiming descent, or any rights in Choctaw lands from Ida M. Terry, the mother of principal applicant herein,

It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cora Fox and William Lewis Fox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

It is further the opinion of the Commission that under the provisions of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Cora Fox for the identification of her husband, John Fox, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

ACTING CHAIRMAN.

COMMISSIONER.

COMMISSIONER.

Muskogee, Indian Territory,

JUN 4 1902.

[illegible] 74.

COPY.

Muskogee, Indian Territory, June 4, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Cora Fay, et al., enrollments to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 4th, 1906.

The Commission has the honor to report that the principal applicant herein, and the attorneys for the Choctaw and Chickasaw Nations, have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED) Tams Bixby,

Acting Chairman.

Through the Commissioner

of Indian Affairs.

1 enclosure.

COPY. N D N 74.

Muskogee, Indian Territory, June 4, 1903.

Cora Fox,

Sulphur Springs, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Cora Fox, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 485) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cora Fox and William Lewis Fox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

It is further the opinion of the Commission that under the provisions of law above quoted, no person is entitled to identi-

COPY.

fication as a Mississippi Choctaw by marriage, and that the application made by Cora Fox for the identification of her husband, John Fox, as an intermarried Mississippi Choctaw should, therefore, be reversed, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED Tams Bixby

Acting Chairman.

Registered.

COPY. N 0 2 74

Muskogee, Indian Territory, June 4, 1903.

Pearce Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of June, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Cora Fox, et al., Applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows;

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Cora Fox and William Lewis Fox, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

It is further the opinion of the Commission that under the provision of law above quoted, no person is entitled to identi-

M HOM A D——g

COPY.

fication as a Mississippi Choctaw by marriage, and that the application made by Cora Fox for the identification of her husband, John Fox, as an intermarried Mississippi Choctaw should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) Tams Bixby.

Acting Chairman.

C O P Y.

Land
33809-1902.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON. Oct.15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report made June 4, 1902, by the Acting Chairman of the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application of Cora Fox for the identification of herself and her minor child, William Lewis Fox as Mississippi Choctaws and for her husband, John Fox, as an intermarried Mississippi Choctaw, claiming rights under the provisions of the fourteenth article of the treaty of 1830.

June 4, 1902, the Commission held that the applicants were not entitled to identification.

Descent is claimed from Ida M. Terry, mother of principal applicant Cora Fox.

The applicants are not full-blood Choctaw Indians. An examination of the records of this office fails to show that Ida M. Terry received a patent to land under the provisions of the fourteenth article of the treaty of 1830, or that she complied or attempted to comply with the provisions of said article; neither does it appear that she applied to the commissions appointed under the Acts of March 3, 1837 and August 23, 1842 for an adjudication of any ri rights she may have had as a Choctaw Indian.

It is therefore respectfully recommended that the decision of the Commission rejecting the applications, be affirmed.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

GAW
D

3 inclosures.

D.C. 20446 Copy EAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

ITD. 6403-1902.
LRS.

October 27, 1902.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen;

June 4, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws of Cora Fox and her minor child, William Lewis Fox. She also applies for identification of her husband, John Fox, as an intermarried Mississippi Choctaw.

The applicants claim to be descendants of one Ida M. Terry who is alleged to have been a one-eighth Blood Choctaw Indian.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Ida M:. Terry or any of the applicants complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). You refused the application June 4, 1902.

The Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter of October 15 is in-

closed.

Having carefully considered the whole record, the Department affirms your decision.

Respectfully,

(Signed)

E.A. Hitchcock.

Secretary.

1 inclosure.

GVE.

N.C.R.78.

COPY.

Muskogee, Indian Territory, November 7, 1902.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 27th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Cora Fox, et al., of which decision you were duly advised by mail on the 4th day of June, 1902.

Respectfully,

SIGNED.

Tams Bixby.

Acting Chairman.

N.O.R.74.

COPY.

Muskogee, Indian Territory, November 7, 1903.

Cora Fox,

Kolomay Springs, Indian Territory.

Dear Madam:

You are hereby advised that on the 27th day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Cora Fox, et al., of which decision you were duly advised by registered mail on the 4th day of June, 1903.

Respectfully,

SIGNED.

Tams Bixby.

Acting Chairman.

MEMORANDA.

(Date) June 15, 1900. Sulphur Springs, I.T.

Name Cora Fox. (20)

Choctaw ? Miss. County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes. (1/16) Mother's citizenship Choc. (1/8)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

~~Name~~ (Husband) John Fox. (32)

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? Yes.

Married under what law ? .....

License filed this day .....

W. M. Fox (father)
Belle Fox. (mother)

Names of children:

..... County ..... Year ..... Page ..... No. .....

2. William Lewis ..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Jim Terry, (father)
Ida L. Terry, (mother)

Choctaw MCR 75

Bettie Butler
(Elizabeth)

MCR 75

[illegible] IDENTIFICATION
[illegible] MISSISSIPPI CHOCTAW

Rettie Butler et al
(Eliza Ann)

REFUSED.

DECISION RENDERED. JUN - 1902

NOTICE OF DECISION MAILED APPLICANT.

JUN 1 1902

NOTICE OF DECISION FORWARDED
ATTORNEY FOR APPLICANTS.

JUN 4 1902

NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 4 1902

RECORD FORWARDED DEPARTMENT.

JUN 4 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

AUG 13 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED APPLICANT.

AUG 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT.

AUG 22 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS.

AUG 22 1902

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth (Bettie) Butler, et al., for identification as Mississippi Choctaws. M.C.R.72.

List of papers forwarded the Secretary of the Interior in the case of Elizabeth (Bettie) Butler, et al, comprising the record in said case.

Original application for enrollment as a citizens by blood of Elizabeth Butler.....1

Oral statement of Bettie Butler for the enrollment of herself as a citizen by blood.....2

Affidavit of S. V. Williams.....4

Affidavit of E. V. Neal, M.D.....5

Affidavit of J. R. McCahey.....6

Affidavit of Ben W. Gilley.....7

Affidavit of M. M. Bell.....8

Affidavit of D. W. Monk.....9

Copy of letter of the Commission transmitting decision in above entitled case.....10

Registry receipt.....11

Railway receipt.....13

Railway receipt.....13

Affidavit of D. C. Adams.....14

Affidavit of K. W. Neal, M.D.....15

Affidavit of D. C. Scarborough, M.D.....16

Birth affidavit of Elizabeth Butler, mother and J. J. Stephens, attending physician.....17

Written statement of Elizabeth Butler.....18

Affidavit of L. W. Gilley.....20

Affidavit of M. M. Ball.....21

Original application of Elizabeth (Bettie) Butler, et al., for identification as Mississippi Choctaws.....21 (a).

Decision of the Commission denying the application of Elizabeth (Bettie) Butler for identification as Mississippi Choctaws.....22.

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MC-R90

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Bettie Butler for the enrollment of herself and children as Choctaws by blood: being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Bettie Butler.
Q How old are you? A I am about 38 years old I expect, I don't know exactly.
Q What is your post office address? A Durant.
Q How long have you lived in the Territory? A I was born here and raised up until I was 8 years old and moved back to Texas, and I came back two years ago.
Q What month did you come back? A I don't remember, it was in the winter, about 2 years ago.
Q Do you know whether it was in 1898 or 1899? A I don't know which it was, I can't recollect long, I claim the right on my father's side.
Q What is your father's name? A Tubby Flowers.
Q Is he living? A No, sir.
Q He was a Choctaw Indian, was he? A His mother was a half breed.
Q Was his name ever on the Tribal rolls? A I don't know whether it was or not, his mother's name I think is on there, grandmother's name before she married.
Q Was your father ever recognized by the Tribal authorities as a Choctaw? A I don't know whether he was or not.
Q What is your mother's name? A Nancy Ann Flowers.
Q Is she living? A Yes, sir.
Q Was she an indian or a white woman? A She was part Chickasaw.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir, not that I know of.
Q What proportion of Choctaw blood do you claim to have? A My grandmother was a half and that would throw me about, you ought to know more about it than I do.
Q Has your name ever been on the Choctaw rolls? A Not that I know of.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Have you ever applied to the Tribal authorities for enrollment as a Choctaw indian? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A I went before them at Goodland.
Q Did you apply in 1896? A No, sir.
Q What did they do to you at Goodland? A They never heard anything about it.
Q What is the name of your husband? A Frank Butler.
Q Is he living? A Yes, sir.
Q What are the names and ages of your children? A Ida, born April 22, 1887, Nancy Elizabeth, born in 1888, Martha Ann, born July 28, 1889, Mary T., born February 26, 1893, John Franklin, born June 21, 1894, Alice E., born July 30, 1895, Fannie S., born January 19, 1897, James R., born February 20, 1898, Rena, born February 7, 1899.
Q Is there any additional statement you would like to make at this time? A I have got some affidavits. I wish you would look on the book and see if my grandmother is not there, Jennie Mingo.
Q Please bring the papers. A That is the affidavits in there. (Papers offered in evidence and marked Exhibits A,B,C,D,E,and F and placed on file.)

Bettie Butler - 2.

The Commission is unable from the testimony in this case to identify you and your children as Mississippi Choctaws. The decision of the Commission, stating more fully why it cannot identify you and your children under the Act of June 28, 1898, as Mississippi Choctaws, will be furnished you in writing, and mailed to present post office address.

(The records of the Commission examined, and the name of Jennie Minco not found thereon.)

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true, and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of Elizabeth Butler as a Choctaw; being sworn and examined by Com'r McKennon she testifies as follows:

Q What is your name? A Elizabeth Butler.

Q How old are you? A 31 or 2.

Q You have never been on the Choctaw rolls? A No sir I haven't never been enrolled.

Q Is your father or mother on this roll? A I don't know, I guess they are; they was brought from Mississippi here when they was young folks and I was born here myself, and then papa moved away from here when I was a child to Texas.

Q How old were you then? A I don't know; I was about seven or eight years old.

Q Have you been living in Texas all the while since? A No sir we lived there until after papa died and then I came back to the Territory here.

Q What time did you come back to the Territory? A It was about '91.

Q And you have been living here ever since? A Yes sir.

Q You lived in Texas up to that time? A Yes sir, ever since papa carried me off.

Com'r McKennon) You are not on the rolls, and we have no authority to put you on the rolls, and your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, that my official duties
[illegible]
[illegible]
[illegible]

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. April 18, 1908.

In the Matter of the application of Elizabeth Butler for the identification of herself and her minor children as Mississippi Choctaws. M.C.R. 75

Applicant represented by S.Heard.

Bettie (Elizabeth) Butler, the applicant in chief, was notified by the Commission through registered mail under date of March 28, 1908, to make personal appearance and give additional testimony in support of such application.

Elizabeth Butler, the applicant, in chief, personally appearing and being sworn, testified as follows:

Examination by the Commission:

Q What is your name? A Elizabeth Butler.
Q Is that Bettie? A Yes, my husband calls me Bettie.
Q Do you want it Bettie or Elizabeth? A Elizabeth Butler.
Q What is your age? A I am thirty one going on thirty two as well as I recollect; I don't know my age exactly.
Q In 1900, June 15, you made application to be identified at Colbert [illegible] a Mississippi Choctaw? A Yes sir.
Q At that time you gave your age as thirty two, didn't you? A
A Yes- I don't know my age exactly; Pappy died when I was a little girl and I don't know the day of the month.
Q Do you think you are thirty four years old now? A Yes, I expect.
Q Where do you live? A At Durant.
Q How long have you lived in the Indian Territory? A We have lived here now three years going on four.
Q Where were you born? A I was born somewhere near Red River there; I can't tell you what county.
Q In Texas? A No sir, Indian Territory.
Q Were you born in the Indian Territory? A Yes sir.
Q Did you ever live in Texas? A Yes sir, when I was a child.
Q How long did you live there? A I don't know.
Q Where did you move to from Texas? A Haines County.
Q Came back to the Indian Territory? A Yes sir.

Q And have lived here since? A Yes sir.
Q You remember in what year you came from Texas to the Indian Territory? A No sir.
Q Can you remember about how long you lived in Texas? One year or how many? A Well, I lived in Texas I reckon about 16 or 17 years.
Q And the rest of the time you have lived in the Indian Territory, have you? A Yes sir.
Q What is your father's name? A Tubby Flowers is my Pappy's name.
Q Is he livi ng? A No sir.
Q What is your mother's name? A Her name is Martha Ann.
Q Well, you gave her name as Nancy Ann Flowers when you made application at Colbert? A Yes, its nancy Ann instead of Martha.
Q You made a mistake, did you? A Yes sir.
Q Is she living or dead? A No sir, dead.
Q Through which parent do you claim Choctaw blood? A Pappy.
Q Your father? A Yes sir.
Q How much Choctaw blood do you claim? A Well, my great grandmother was full blood and my grandmother was a half breed; that would make me about an eighth, wouldn't it?
Q You decide that. A It would be about an eighth I reckon.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities or the authorities of the United States in Indian Terrotory? A Not that I know of.
Q Your father was a white man? A No sir, he is the one I claim through.
Q Was your mother a white woman? A No sir, she had some Indian in her.
Q Are you claiming through her? A No sir.
Q Do you know what kind of Indian? A Chickasaw.
Q Then you don't claim any Choctaw blood through her? A No sir.
Q How old would your mother be if living now? A She would be about fifty years old.
Q Wher e was she born? A I don't know sir; she died when I was a little girl; I don't know.
Q Where did she live most of her life? A She lived there in Texas I think most of her life.
Q Did she die in Texas? A Yes sir.
Q Did she ever live in Mississippi? A I don't know.
Q Did your father ever live in Mississippi? A Yes sir.
Q Was he born in Mississippi? A Yes sir.
Q How old would he be if living now? A I can't tell you.
Q Are you married? A Yes sir.
Q Is your husband living? A Yes sir.
Q And is he a white man? A Yes sir.
Q What is his name? A Frank Butler.
Q How many children have you under twenty one years of age and unmarried for whom you make application? A I don't know.
Q I will read the names and ages of your children from the application made by you June 18, 1900: if you want to make any corrections make them now. Is the eldest child named Ida, born April 22, 1887? A Yes sir.

Q Is the next one Nancy Elizabeth; was she born in 1888 April 22,?
A yes sir.
Q Is the next one named Martha Ann? A Yes sir.
Q Was she born July 28, 1889? A Yes sir.
Q Is the next child Mary T.? A Yes sir.
Q Was she born February 28, 1893? A Yes sir.
Q Is the next child John Franklin? A Yes sir.
Q Was he born June 21, 1894? A Yes sir.
Q Is the next child Alice E.? A Yes sir.
Q was she born July 30, 1895? A Yes sir.
Q Is the next child Jannie S.? A Yes sir.
Q Was she born January 19, 1897? A Yes sir.
Q Was the next child James R.? A Yes sir.
Q Was he born February 20, 1898? A Yes sir.
Q Is the next child Rena? A Yes sir.
Q Was she born February 7, 1899? A Yes sir.
Q Are these all your children? A Yes sir.
Q Are they all living with you now at your home? A Yes sir.
Q None of them are married? A No sir.
Q Is Frank Butler the father of these children? A Yes sir.
Q Were either of you married before? A No sir.
Q You and he are living together now as husband and wife? A Yes sir.
Q In giving this additional testimony today, do you want to have it made a part of the testimony made by you June 15, 1900, at Colbert, Indian Territory, and do you want the records in that application to be considered with your present testimony? A Yes sir.
Q Is your name or the name of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
Q Is the only application that you have ever made either to the United States authorities or the Choctaw tribal authorities the application you made to be identified as a Mississippi Choctaw for yourself and children before the Commission at Colbert, Indian Territory, June 15, 1900? A Yes sir.
Q Q You never have been admitted to citizenship in the Choctaw Nation by any authority whatever? A No sir.
Q Do you claim your right to be identified and for the identificatin of your children as Mississippi Choctaws when you appeared before the Commission at Colbert, Indian Territory, June 15, 1900, under article fourteen of the treaty of 1830? A Yes sir.
Q And you claim under that same article now, do you? A Yes sir.
Q Do you understand that article of that treaty? A Well, I don't know.
Q Do you know what a treaty is? A No sir.
Q Know what a contract in writing is made between two or more people? A Yes sir.

A treaty is a compact in writing and similar in its effects to a contract in writing between people only it is between nations instead of people; when nations are parties to the contract then it is called a treaty; such a treaty was made in Mississippi at a place called Dancing Rabbit Creek in that year 27th September and was made for the purpose of insuring all the Choctaw Indians to leave that old Choctaw Nation East of the Mississippi River and come to the new Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Choctaw Indians who remained back there in the old Choctaw Nation, refusing to go to the Choctaw Nation, Indian Territory, under the treaty, article fourteen was put into the treaty. That article is as follows: "Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q Do you understand that article of that treaty now? A Yes sir.
Q Do you know if any of your ancestors complied or attempted to comply with the provisions of that article of that treaty? A Well, my grandmother did, I think.
Q What was the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Jennie Mingo.
Q What relation was she to you? A My grandmother. That was before she married Flowers.
Q Whom did she marry? A Flowers.
Q Tell me the full name? A Tubby Flowers.
Q Well, didn't you give the name of your father as Tubby Flowers? A Well, that's my grandfather's name too.
Q They both had the same name? A Yes sir.
Q Now then, did Jennie Mingo live in the State of Mississippi in 1830? A Yes sir.
Q Did she have children here at that time? A To the best of my knowledge she did; that's what I have been taught.
Q How much Choctaw blood did Jennie Mingo have? A She was half breed.
Q Did Tubby Flowers have any Choctaw blood or did he have Chickasaw the husband of Jennie Mingo-? A I don't know whether he did or not but my father did.
Q How old would Jennie Mingo be if living now? A I don't know sir.
Q Did she speak the Choctaw language? A Yes, I think she did.
Q Did you ever hear that she did? A Yes sir .
Q Do you know in what portion of Mississippi she lived in 1830?
A Well, it was right on the line somewhere.

Q Near what State? A I don't know exactly.
Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Well, the Mingoes did.
Q This Jennie Mingo's family? A Yes sir.
Q Well, did she? A I don't know whether she did or not; her mother did.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian agent Col. Ward who had an agency in Mississippi in 1830 and 1831 and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A No sir, I never heard.
Q Did any of your Choctaw ancestors go from the old Choctaw Nation to Indian Territory Choctaw Nation with the other Indians between 1833 to 1838 or 1840? A Well, my father Tubby Flowers.
Q In what year did he remove? A I don't know.
Q Was he removed at the expense of the Government? A I don't know.
Q You never heard? A No sir.
Q To the Territory? A I can't tell you.
Q Did he die in the Indian Territory? A No sir, in Texas.
Q How long did he live in Texas? A About fifteen years.
Q And di ed there? A Yes sir.
Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A The older ones I reckon did.
Q How do you know they owned or claimed any land under article fourteen in Mississippi? A --
Q Did you ever hear that in the family? A Yes, Pappy told me.
Q What did he tell you about that? A I just heard him say that my great grandmammy back there had land back there; I don't know, what her name was.
Q Then you don't know anything about any of your ancestors having land in the old Choctaw Nation under article fourteen? A No sir.

The Mississippi Choctaw Indians who remained refusing to go to the Indian Territory West of the Mississippi River with the other Indians under that treaty were obliged to if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian agent Col. Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States. A good many Choctaw Indians did this whose names Col. Ward failed to put down upon his list known as Ward's Register. His failure to make a complete list caused many Indians to lose their lands there upon which they had improvements because they were taken from them by the United States and sold at Public Land Sale; so many complaints were made that in 1837 by act of Congress appointed March 3, that year, a Commission was appointed to go to Mississippi and hear claimants under article fourteen of the treaty of 1830; in 1842 another Commission was appointed by Congress for the same purpose and this Commission went to Mississippi and heard claimants under article fourteen of the that treaty.

Q Did any of your Choctaw ancestors go before eitherof these two Commissions and claim benefits as Choctaw Indians? A I don't know.

The act of Congress approved August 23, 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, if it also appeared further that he had had land in Mississippi which the Government of the United States had taken from him and sold, that he should be entitled to select land in Mississippi, Alabama, Arkansas or Louisiana, to take the place of the land taken away, and to be taken from vacant Government land; and that a certificate to that effect should be given to him; these certificates were called scrip.

Q Did any of your Choctaw ancestors receive any such scrip from the Government as Choctaw Indians, do you know? A No sir.
Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A No sir; not that I know of.
Q Have you any other evidence or proof that you want to introduce?
A No sir.
Q Any witnesses that you want to call? A Yes sir.
Q What is this gentleman's name? A Ben W. Gilley.
Q Is there anything more you want to say now in support of your claim? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage, medium fair complexion, eyes between brown and gray; brown hair.

Q Do you speak or understand the Choctaw language? A No sir.

She has no knowledge of the Choctaw language and no knowledge of the compliance of any of her ancestors with article fourteen of the treaty of 1830.

(Applicant excused and Benjamin W. Gilley called)

Benjamin W. Gilley being called as witness and sworn testified as follows:

Examination bythe Commission.

Q What is your name? A Benjamin W. Gilley.
Q What is your age? A I am sixty seven.
Q What is your post office address? A Alva.
Q Indian Territory? A No sir; Texas.
Q What is your occupation? A Farmer.
Q You are a white man? A Yes sir.
Q You make no claim for Indian blood? A No sir.

Q Do you know Bettie or Elizabeth Butler or her children? A Yes, I know her; I have never seen her children.
Q This is the same one who has just appeared here isn't it? A Yes sir.
Q What do you know about her having Choctaw blood? A Her father-
Q What was her father's name? A Flowers; I used to know him as Toby but they have him as Tubby; I always called him Toby .
Q What do you know about his having Indian blood? And Choctaw blood? A Well, Toby Flowers claimed Choctaw blood from his mother, I think; that is her grandmother.
Q Did you ever hear him claim it? A Yes sir.
Q Is he dead? A Yes sir.
Q When did he die? A I don't believe I could give the exact time; about ten years ago.
Q He died in Texas? A Yes sir.
Q Where; in what place? A Van Zandt.County.
Q What do you know d further about his having Choctaw blood?
A I knew his father and mother in Alabama.
Q They used to live in Alabama, did they? A Yes sir.
Q When did they live in Alabama? A From about 1837 on probably to 1842; my father lived there in '40.
Q They were living in Alabama then? A Yes sir.
Q In what part of Alabama? A Coosa County.
Q Did the father of this applicantcomply or attempt to comply with the provisions of article fourteen of the treaty of 1830? A I.don't think they did.
Q What do you know about Jennie Mingo? A Yes, I knew her.
Q Did she appear to have Choctaw blood? A Yes sir.
Q Do you know as a matter of fact whether she did have Choctaw blood or not? A No sir.
Q How did she look compared with the other Indians? A She didn't look to be a full blood.
Q About how much Indian blood would you think she had? A Well, I am not very well acquainted with the kinds.
Q You don't know? A No sir.
Q Was she white? A No sir, dark.
Q Did she have light, blue eyes? A I can't tell the color.
Q You heard article fourteen read and explained, didn't you?
A Yes sir.
Q Do you know whether Jennie Mingo or any of the Choctaw ancestors of Elizabeth Butler ever complied or attempted to comply with that article? A No sir; I don't know.
Q Don't know whether they ever went to Col.Ward- and ever owned land? A No sir. I know that they lived on a little farm, but whether they owned them I don't know.
Q Don't know whether they got it from the Government? A No sir.

(To Mr.Heard;)
Q Have you any questions, Mr.Heard, to ask or any you wanted asked?
A No sir; that's all.

Henry G.Hains being sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the

[illegible] proceedings on April 15, 1[illegible] and that this is a full, true and correct transcript of the stenographic notes in said cause as [illegible].

Henry R. Kains

Subscribed and sworn to before me this 28th April, 1[illegible].

Clarence L. Wood

Notary Public.

C.M.M.
C.V.W.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Elizabeth (or Bettie) Butler, et al., for identification as Mississippi Choctaws. M.C.R. 75.

--: D E C I S I O N :--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Elizabeth (Bettie) Butler, for herself and her ten minor children, Ida, Nancy Elizabeth, Martha Ann, Mary T., John Franklin, Alice E., Fannie S., James H., Rena and Lola May Butler, under the following provision of the act of Congress of June 28, 1898, (30 Stats., 495):

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants of one Jennie Flowers, (nee Mingo), who is alleged to have been a half-blood Choctaw Indian, and to have resided in Mississippi in 1830.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that no one of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of 1830, and of persons who heretofore were claimants thereunder, that the said Jennie Flowers (nee Mingo), or any of the applicants herein, signified (in person or by proxy) to Colonel Wm. Ward Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 2, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513). Neither does it appear from the records in the possession of the Commission that these are affiliated with this same any other persons claiming descent or any rights

in Choctaw lands from Jennie Flowers (nee Mingo), the alleged ancestor of the principal applicant.

It is, therefore, the opinion of the Commission that the evidence herein is insufficient to determine the identity of Elizabeth (Bettie) Butler, Ida Butler, Nancy Elizabeth Butler, Martha Ann Butler, Mary T. Butler, John T. Butler, Alice K. Butler, Fannie S. Butler, James H. Butler, Rena Butler and Lola May Butler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

ACTING CHAIRMAN

COMMISSIONER

C. R. Breckinridge

COMMISSIONER

Muskogee, Indian Territory,

JUN 4 1902.

COPY. M.C.R. 75.

Muskogee, Indian Territory. June 4, 1902.

Elizabeth (Bettie) Butler,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth (Bettie) Butler, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twentyseventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of the Commission that the evidence herein is insufficient to determine the identity of Elizabeth (Bettie) Butler, Ida Butler, Nancy Elizabeth Butler, Martha Ann Butler, Mary T. Butler, John F. Butler, Alice E. Butler, Fannie S. Butler, James R. Butler, Rena Butler and Lola May Butler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this

-4-

Will forwarded the record in this case to the Secretary of the Commission for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED: James Disney.

Acting Chairman.

Registered.

M.C.R. 75.

COPY.

Muskogee, Indian Territory, June 4, 1902.

R. Beard, Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 4th day of June, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth (Bettie) Butler, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of the Commission that the evidence herein is insufficient to determine the identity of Elizabeth (Bettie) Butler, Ida Butler, Nancy Elizabeth Butler, Martha Ann Butler, Mary T. Butler, John F. Butler, Alice E. Butler, Fannie S. Butler, James R. Butler, Rena Butler and Lola May Butler, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this

date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in the time of such action as may be taken by him.

Yours truly,

WMCM: Tame Bixby,

Acting Chairman.

Registered.

N.C.R. 73

COPY.

Muskogee, Indian Territory. June 4, 1908.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 4th day of June, 1908, the Commission to the Five Civilized Tribes rendered a decision in the case of Elizabeth (Bettie) Butler, et al., applicants for identification as Mississippi Choctaws.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats. 495) which is as follows:

"Said Commission shall have the authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of the Commission that the evidence herein is insufficient to determine the identity of Elizabeth (Bettie) Butler, Ida Butler, Nancy Elizabeth Butler, Martha Ann Butler, Mary T. Butler, John P. Butler, Alice E. Butler, Fannie S. Butler, James R. Butler, Rena Butler and Lola May Butler,

as Choctaw Indians entitled to rights in the Choctaw Nation under the provisions of article fourteen of the treaty of 1830, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) [illegible]

Acting Chairman.

M.C.R. 78

COPY.

Muskogee, Indian Territory. June 4, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Elizabeth (or Bettie) Butler, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of June 4, 1902.

The Commission has the honor to report that the principal applicant herein, her attorney of record, and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letter being attached to the record.

Respectfully,

(SIGNED) Tams Bixby

Acting Chairman.

Through the Commissioner
of Indian Affairs.

1 Enclosure.

C O P Y.

Land.

33811-1902.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, August 7, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated June 4, 1902, forwarding for the Department's consideration the record relative to the consolidated case of Elizabeth (or Bettie) Butler, et al., applicants for identification as Mississippi Choctaws claiming rights in the Choctaw lands under the provisions of article fourteen of the treaty of 1830.

Elizabeth (Bettie) Butler applies for the identification of herself and her ten minor children, Ida, Nancy Elizabeth, Martha Ann, Mary T., John Franklin, Alice E., Fannie E., James R., Rena and Lola May Butler.

June 4, 1902, the Commission held that the applicants were not entitled to identification as Mississippi Choctaws.

Attempt is made to trace descent from Tubby and Nancy Ann Flowers, parents of principal applicant; and from Tubby Flowers, Sr., and Jennie Flowers nee Minge, parents of

Tulsa, Okla.

It is not shown by the records of this office that any of the Chickasaw claimants complied or attempted to comply with the provisions of the [illegible] article of the treaty of September 27, 1830, or that they applied to the commissions appointed under the acts of March 3, 1837 and August 23, 1842 for an adjudication of their rights as Chickasaw freedmen.

It is therefore respectfully recommended that the decisions of the Commission rejecting the applications, be approved.

Very respectfully,

Your obedient servant,

A. E. TONNER,

Acting Commissioner.

SEF
J

2 inclosures.

D.C. 12[illegible]-1902. 4 2 4 2 9 MAF.

ITD. 486E-1902.
LRS.

DEPARTMENT OF THE INTERIOR,
Washington, August 13, 1902.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

The Department has considered the record in the matter of application for identification as Mississippi Choctaws, of Elizabeth (Bettie) Butler and her ten minor children, Ida, Nancy Elizabeth, Martha Ann, Mary T., John Franklin, Alice E., Minnie E., James R., Rosa and Lola May Butler. The record, including your decision of June 4, 1902, denying the application, was transmitted with your letter of that date.

The applicants attempt to trace their Choctaw descent from one Jennie Flowers (nee Mingo), alleged to have been a half-blood Choctaw Indian residing in Mississippi in 1830.

The record fails to show that any one of the applicants has ever been duly admitted or enrolled as a Choctaw citizen, or that said Flowers (nee Mingo) ever complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 188), and August 23, 1842 (5 Stat., 513).

[illegible]

[illegible]

The Acting Secretary of Foreign Affairs forwarded the present dated 7[illegible] and recommended that your decision be reversed. A copy of his letter is enclosed.

Since a favorable ruling on the merits case the Department urges your decision.

Respectfully,

[illegible]

Acting Secretary.

1 Enclosure.

COPY

[illegible]

Muskogee, Indian Territory, August 22, 1902.

Elizabeth (Bettie) Butler,
Muscogee, Indian Territory.
Dear Madam:

You are hereby advised that on the 12th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission rejecting the application for identification as Mississippi Choctaws of the several persons included in the application of Elizabeth (Bettie) Butler, et al., of which decision you were duly advised by registered mail on the 4th day of June, 1902.

Yours truly,

Acting Chairman.

COPY

M.C.R. 75

Muskogee, Indian Territory, August 22, 1902.

G. Beard, Esq.,
Attorney at Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of August, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Elizabeth (Bettie) Butler, et al., of which decision you were duly advised by registered mail on the 4th day of June, 1902.

Yours truly,

Tams Bixby.
Acting Chairman.

COPY

M.C.R. 75

Muskogee, Indian Territory, August 22, 1908.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 13th day of August, 1908, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the application of Elizabeth (Bettie) Butler, et al., of which decision you were duly advised by mail on the 4th day of June, 1908.

Yours truly,

Acting Chairman.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Betty (Betsy) Butler
Et al
MCR 75

COMMISSIONERS.
Henry L. Dawes,
Tams Bixby,
Archibald S. McKennon,
Thomas B. Needles.
Alexander L. Ainsworth, Secretary.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 29, 1900.

Mr. F. A. Butler,

Durant, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of May 21st, addressed to the Honorable Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action. You desire to be informed as to whether Betty Butler has been enrolled or not, and whether she will be allowed to take allotment for her children. You are informed that the records of the Commission show that the only party of the name of Elizabeth Butler appearing before this Commission as an applicant for enrollment, appeared at Durant last fall and was refused enrollment by this Commission, for the reason that neither she nor her parents had ever been upon any of the rolls of the Choctaw Nation, and that she had been a resident of the state of Texas up to 1891. If this is not the party of whom you inquire, if you will furnish the Commission with additional information as to the time and place that she appeared for enrollment, the names and ages of other members of her family, and any other information that may lead to her identification, the matter will receive further consideration.

Yours truly,

In reply to this letter,
Please refer to 7-R 45

Acting Chairman.

Choctaw No. R-42.

Muskogee, Indian Territory, February 16, 1903.

In the matter of the application of Elizabeth Butler, for the enrollment of herself as a citizen by blood of the Choctaw Nation.

To Elizabeth Butler,

Durant, Indian Territory.

You are hereby notified that you will be allowed thirty days from the date hereof, to submit to this Commission an affidavit, corroborated by two witnesses, showing that you are entitled to be identified as a Mississippi Choctaw under the act of Congress of June 28, 1898, which provides as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Such affidavit must be sworn to by yourself, and by the corroborating witnesses, and must set forth the fact that you are a

D. R. R.

descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and that your Memorialist, such Choctaw Indians, complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830, between the United States and the Choctaw Nation.

Commissioner in Charge.

Registered.

1.

Choctaw R 45

Muskogee, Indian Territory, March 12, 1902.

Elizabeth Butler,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavit and the affidavits of B. W. Gilley and M. M. Bell, supposedly submitted to the Commission in reply to our communication of February 15, 1902, advising you that you would be allowed thirty days from said date within which to submit to this Commission an affidavit corroborated by two witnesses showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898. Said affidavits have this day been filed with the records of the Commission.

You further submit the application for enrollment as a citizen of the Choctaw Nation of Lela May Butler, the infant daughter of F. A. and Elizabeth Butler, born March 6, 1902, and the same is returned to you herewith.

Our letter of February 15, 1902, was to allow you thirty days from that date within which to submit affidavits showing that you claim a right to identification as a Mississippi Choctaw under the provisions of the act of Congress of June 28,

Letter Registered.

these facts, it is desired that you have them appear in person before the Commission, at the same time; but in the event that said witnesses are not residents of Indian Territory, or that they are incapacitated from appearing in person by reason of old age or [illegible] their depositions may be taken, provided same are taken in accordance with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules is herewith enclosed you.

Yours truly,

Acting Chairman.

Enclosure
Rules and Regulations

Registered.

Choctaw R 45

Muskogee, Indian Territory, March 12, 1902.

Elizabeth Butler,

Durant, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your affidavits and the affidavits of B. W. Gilley and M. N. Bell, supposedly submitted to the Commission in reply to our communication of February 15, 1902, advising you that you would be allowed thirty days from said date within which to submit to this Commission an affidavit corroborated by two witnesses showing that you are entitled to be identified as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898. Said affidavits have this day been filed with the records of the Commission.

You further submit the application for enrollment as a citizen of the Choctaw Nation of Lola May Butler, the infant daughter of F. A. and Elizabeth Butler, born March 6, 1902, and the same has been accepted by the Commission and duly filed with the records of this office as evidence of the birth of this child.

You are now advised that if it is your intention to attempt to prove such rights as you and your child claim as the descendants of Choctaw Indians who complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830 between

the United States and the Choctaw Nation, it will be necessary for you to personally appear before the Commission at its office at Muskogee, Indian Territory, with such witnesses as you may be able to secure in support of said allegations.

You are further advised that you will be allowed thirty days from the date hereof within which to submit such evidence; and if at the expiration of that time no personal testimony substantiating the allegations in the affidavits now filed is presented, the Commission will consider that you do not wish to prosecute the claim as a Mississippi Choctaw, and that the case is completed, and it will proceed to render its decision as to the rights of yourself and children to enrollment as citizens of the Choctaw Nation and to identification as Mississippi Choctaws, which decision will be duly made known to you when rendered.

Yours truly,

Commissioner in Charge.

Register

M.C.R. 75

Muskogee, Indian Territory, March 29, 1902

Bettie Butler,

Durant, Indian Territory.

Dear Madam:-

It appears from the records of the Commission to the Five Civilized Tribes that on June 15, 1900, you appeared before said Commission at Colbert, Indian Territory, and there made personal application for the identification of yourself and your nine minor children, Ida, Nancy Elizabeth, Martha Ann, Mary T., John Franklin, Alice E., Fannie S., James R., and Rena Butler, as Mississippi Choctaws, and at that time you testified that you derived your alleged Choctaw blood from your father, Tubby Flowers, and filed several ex parte affidavits to the same effect, but you did not attempt to show which one of your alleged Choctaw ancestors was a resident of the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and it is therefore impossible for this Commission to identify you and your minor children as Mississippi Choctaws upon the proof submitted by you, as the only authority vested in the Commission is by the twentyfirst section of the Act of Congress of June 28, 1898(30 Stats. 495) ,

which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twentyseventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Article fourteen herein referred to, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months of the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this Treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this Article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

It is desired that you appear before the Commission to the Five Civilized Tribes at its office in Muskogee, Indian Territory, within thirty days from this date, and testify further in behalf of your application, relative to your alleged Choctaw ancestors who may have been residents of the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as above quoted, and in the event that you know of any witnesses who would be able to testify, of their own knowledge, to

M C R 75

Muskogee, Indian Territory, May 15, 1906.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th instant, transmitting petition for reopening of Mississippi Choctaw case of Bettie (Elizabeth) Butler, et al., M C R 75. Said petition has this day been forwarded to the Secretary of the Interior for consideration.

Respectfully,

Acting Commissioner.

McM

M C R 75

Muskogee, Indian Territory, May 15, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

In the matter of the Mississippi Choctaw case of Bettie (or Elizabeth) Butler, et al., the record therein, together with the decision of the Commission to the Five Civilized Tribes of June 4, 1902, adverse to the applicants, was, on the same date, transmitted to the Department.

August 13, 1902, the Secretary of the Interior approved the decision of said Commission refusing to identify Bettie Butler, et al. as Mississippi Choctaws.

This office is now in receipt from J. O. Peel, of Nocona, Texas, of a petition praying for a rehearing in the above case. Said petition is herewith submitted for the consideration of the Department.

Respectfully,

Acting Commissioner.

Through the Commissioner
of Indian Affairs.

MoM 15/1

COPY

LAND
49429-1902
43020-1906.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

The Honorable,

May 22, 1906.

The Secretary of the Interior.

Sir:

I have the honor to enclose a letter from the Commissioner to the Five Civilized Tribes dated May 15, 1906, transmitting a petition for rehearing in behalf of the applicants in the Mississippi Choctaw enrollment case of Pettie (Elizabeth) Butler, et al.

The record is also enclosed.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

MMM

C

J.P.

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON.

I.T.D. 9466-1906
D.C. 23897

June 9, 1906.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has considered the petition for the enrollment as Choctaw citizens of the parties to the Mississippi Choctaw case of Bettie Butler, et al., which your office, submitting May 15, 1906, considered a motion for rehearing in such case, in which the Department, on August 13, 1902, affirmed the decision of the Commission to the Five Civilized Tribes adverse to the claimants.

The applicants do not now seek to be enrolled as Mississippi Choctaws, but claim rights in the Choctaw Nation because they have resided therein for a number of years, and because of alleged Choctaw blood. It has been settled that the applicants are not entitled to enrollment as Mississippi Choctaws. As it is nowhere shown that any of them have ever been enrolled by the Choctaw tribal authorities as members of the Choctaw tribe, or admitted to Choctaw citizenship by any duly constituted authority of the Choctaw Nation or of the United States, the Department is without authority to grant the request, and the petition is accordingly denied. You will so advise the parties filing it.

A copy of Indian Office letter of May 22, 1906, submitting your report , is inclosed.

Respectfully,

Jesse M. Wilson,

Assistant Secretary.

1 inclosure.

M C R 75

Muskogee, Indian Territory, July 9, 1906.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

There is enclosed herewith for your information copy of Departmental letter of June 9, 1906 (I T D 9466-1906), denying the petition submitted by you under date of May 9, 1906, for the enrollment as Choctaw citizens of the parties to the Mississippi Choctaw case of Bettie Butler, et al.

Respectfully,

Commissioner.

McM 88

M C R 75

Muskogee, Indian Territory, July 9, 1906.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

There is enclosed herewith for your information copy of Departmental letter of June 9, 1906 (I T D 9466-1906), denying the petition submitted by J. O. Pool under date of May 9, 1906, for the enrollment as citizens of the Choctaw Nation of the parties to the Mississippi Choctaw case of Bettie Butler, et al.

Respectfully,

Commissioner.

McM 99

MEMORANDA.

(Date) June 15, 1900.

Name Bettie Butler, (32) Durant, I.T.

Choctaw ? Yes, County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes (1/8) Mother's citizenship Choc. (1/4)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

~~Wife~~ (Husband) Frank Butler (no)

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

13. Ida, County 1887, Year ..... Page ..... No. .....
12. Nancy E., County 1888, Year ..... Page ..... No. .....
11. Martha Ann, County 1889, Year ..... Page ..... No. .....
7. Mary F., County 1893, Year ..... Page ..... No. .....
6. John F., County 1894, Year ..... Page ..... No. .....
5. Alice E., County 1895, Year ..... Page ..... No. .....
3. Fannie S., County 1897, Year ..... Page ..... No. .....
2. James R., County 1898, Year ..... Page ..... No. .....
1. Rena, County 1899, Year ..... Page ..... No. .....

Tubby Flowers, (father) (1/4) Seed.
Nancy A. Flowers, (mother)

Choctaw MCR 76

Maggie Surghnor

MCR 76-

CHOCTAW.

Maggie Sanghner et al

DECISION REND

REMANDED BY THE SECRETARY OF THE INTERIOR FOR FURTHER HEARING.

DEC 1 - 1902

RECORD FORWARDED DEPARTMENT.

MAY 23 1902

ACTION UPON REMAND OF DEPARTMENT OF INTERIOR.

JUN 23 1903

NOT ... FURTHER ACTION

FORWARDED APPLICANT.

JULY 15 1903

MC-R76

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

———o———

In the matter of the application of Maggie Surghnor for the enrollment of herself and her children as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Maggie Surghnor.
Q How old are you? A 34.
Q What is your post office address? A Sterrett, I. T.
Q How long have you lived at Sterrett? A A little over a year.
Q Where did you move from to Sterrett? A We moved from Sherman, Texas, there.
Q How long did you live in Texas? A I have lived off and on in the Territory and Sherman all my life, but I can't say how long I have lived at either place.
Q Where were you born? A Sherman, Texas.
Q Did you ever live in Mississippi? A No, sir.
Q What was the name of your father? A James McCory.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian or a white man? A He was Choctaw.
Q What proportion of Choctaw blood did he have? A I think 1/2 blood, from what I had been told; my father died when I was 8 years old.
Q Was ~~him~~ name ever on the Choctaw Tribal rolls? A I think it was.
Q In this country? A Yes, sir.
Q He died a great many years ago, didn't he? A Well, I was a little girl only 2 when he died, he has been dead 32 years.
Q Did he come from Mississippi? A Yes, sir.
Q What was the name of your mother? A Margaret.
Q Is she living? A No, sir
Q Is she a white woman? A Part indian, but I don't know how much.
Q Was her name ever on the rolls? A I dontt know.
Q You don't know that she was ever recognized by the Tribal authorities? A No, because my mother died when I was only 2 months old and I have no relations on my mother's side and all I know about my mother being part indian is what my father's sisters told me.
Q What proportion of Choctaw blood do you claim to have? A I suppose 1/4, if my father was 1/2.
Q Has your name ever been on the Tribal rolls? A No, sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw indian? A I guess not, I have never applied to them.
Q You never applied to them for enrollment as a Choctaw indian?
A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q Is this your first application? A I applied to the Dawes Commission last year.
Q At that place? A At Caddo.
Q Did you claim to be a Mississippi Choctaw at that time? A Yes, sir.
Q Did you state to the Dawes Commission at Caddo that you were a Mississippi Choctaw? A Yes, sir, and told them I thought they would find my father's name on the rolls.
Q It doesn't appear so in this testimony taken at that time? A I will not be positive about that case, I don't know whether they asked me; if they asked me I did. I think the only thing they asked me was about my age and where I lived and how long I had lived at each place, and I think that was the substance of what they asked me
Q Did you ever have a home in the Territory? A Well, no more than my father's home was here when he died, he died and was buried

here, his business was here, and all of his interests and all he owned was here.

Q Are you married? A Yes, sir.

Q Where is your husband? A In Sherman.

Q Is that his home? A Yes, sir, we are not living together.

Q You haven't been divorced? A No, sir.

Q How long have you been separated? A About 3 years.

Q Is he a voter in the State of Texas? A I suppose he is.

Q You have never taken up a farm in the Territory, have you?

A Yes, sir, I have one here.

Q How did you get possession of it? A Why I understand I was recognized by the indians and just got it from the indians.

Q Did you purchase it from anybody, purchase the possession of it, or rent it? A No, sir, I bought the improvements, that is all, I have some busilings on it. I paid $100 for some buildings on it.

Q You have children, you say? A Yes, sir.

Q You claim they are Mississippi Choctaws? A Yes, sir.

Q What is your husband's name? A Dan Surghnor.

Q Were you married to him under Choctaw law? A No, sir.

Q Where did you marry him? A In Sherman.

Q When? A I have been married about 17 years.

Q Do you wish to offer your marriage license and certificate in evidence? A For what?

Q Of your marriage? A I am certain if it is necessary I will.

Q You can determine that yourself, whether it is necessary or not. Do your children live with you? A Yes, sir.

Q Where are they now? A In Sterrett.

Q How long have they beein living in the Territory? A Of course I have lived here off and on all my life, and they have only come home since school closed for vacation, just now.

Q What are the names and ages of your children? A Annie was 16 years old last March, and James T. will be 14 next September.

Q Is there any additional statement you would like to make in regard to your case? A Not that I know of.

Q Have you any papers that you would like to file with the Commission? A My attorneys will file the papers.

The Commission is unable from the testimony in this case to identify you or your children as Mississippi Choctaws. The decision of the Commission, stating more fully its reasons for not being satisfied that you or your children are entitled to identification as Mississippi Choctaws, under the provisions of the Act of June 28, 1898, will be furnished to you in writing and mailed to your present post office address.

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 27 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the application of Maggie Surghnor for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she states:

Q What is your name? A Maggie Surghnor.

Q How old are you? A Thirty-four.

Q Are you on any of the Choctaw rolls? A I don't know. I don't know whether my father had me enrolled when I was a child or not.

Q Where did your father die? A Here in the Territory; he is buried at Fort Arbuckle.

Q Was he a Choctaw Indian? A Yes sir, part Choctaw.

Q Was he ever enrolled and recognized as an Indian? A Yes sir.

Q What was your grandparents names? A McCurray.

Q What was your father's name? A McCurray.

Q How long has he been dead? A He has been dead about thirty-one or two years.

Q Where have you been living? A I have been living in Sherman, Texas and here together, all my life; I have been north some.

Q After your father died where did you go to? A Sherman, Texas

Q Where did he die? A At Fort Arbuckle.

Q When? A When I was about three or four years old.

Q You went to Sherman? A Yes sir.

Q How long did you stay there? A I don't exactly know how long.

Q Where did you go to then? A I believe it was Missouri.

How old were you when you went to Missouri? A About ten years old.

Q How long did you remain in Missouri? A Two or four years.

Q Where did you go to then? A Back to Sherman, Texas.

Q How long did you live in Sherman, Texas, then? A I cannot

say.

Q Where did you go to from there? A To the Territory.

Q How old were you when you came to the Territory? A I came to the Territory in 1894.

Q Were you married then? A Yes sir.

Q How long did you stay here in the Territory then? A I can't just say.

Q Did you stay a month? A It was more than that, I expect it was four or five months.

Q Then you went back to Sherman? A Yes sir.

Q Did you move your household things here when you came and staid four or five months? A Yes sir, what I had, I wasn't housekeeping.

Q How long did you stay in Texas when you went back? A I came back in 1896.

Q How long did you stay here then? A I don't know; I cannot remember exactly.

Q A month? A Yes, several months.

Q How many months? A I expect six or eight months.

Then you went back to Texas? A Yes sir.

Q How long did you stay there? A I came back to the Territory in 1897.

Q What time in 1897? A I believe it was during the summer months.

Q Where did you go to? A Lehigh.

Q How long did you stay there? A I don't suppose over a month.

Q Then you went back to Texas? A Yes sir.

Q And have been there ever since? A No, I have been back and forth. My work kept me back and forth.

Q What kind of work? A Canvassing.

Q That is what you were doing in the Territory, canvassing, where

Maggie Surghnor #3)

was your home? A As much one place as another; my father's home was here.

Com'r McKennon: Enrollment is refused.

Depar... ...e Interior,
Com... ...Indian Tribes.
I hereby ... official ... this
stenographer ... and correct transcript of
transcript ...
my stenographic notes.

M D Green

W.P.
J.R.B.
C.W.
W.O.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---:---

In the matter of the application of Maggie Surghner, et al., for identification as Mississippi Choctaws, M C R 76.

--: D E C I S I O N :--

The record in the above case of Maggie Surghner, et al., shows that during the month of August, 1899, the said Maggie Surghner appeared before the Commission at Caddo, Indian Territory, and there made personal application for enrollment as a citizen by blood of the Choctaw Nation, and that such application was refused on the ground that her name was not upon any of the Choctaw tribal rolls in the possession of the Commission. The record herein further shows that on June 15, 1900, the said Maggie Surghner appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her two minor children, Annie and James T. Surghner, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from James Mc Cery, an alleged one half blood Choctaw

and Margaret (last name not given), a part Indian (tribe not given) who are the parents of this applicant.

The record in this case further shows that the principal applicant, Maggie Burghner, and her two minor children, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896, (29 Stats., 321.)

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Mahala D. Shaw, Malinda A. Taylor, Matilda A. Graves, Jonas Frazier and Johnson Albertson. By the oral statement of the principal applicant it is attempted to be shown that she was born in Texas in about the year 1866, and that for about one year prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one fourth blood Choctaw. The only attempts to trace her alleged Choctaw descent to her father, who she claims came from Mississippi, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw tribe of Indians therein or that they ever complied

or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Mahala D. Shaw it is attempted to be shown that affiant was the second wife of Jim McCurry, the father of Maggie D. Burghner, presumably the principal applicant herein, and that said husband of affiant claimed to be an one fourth blood Mississippi Choctaw Indian, and came from Mississippi with other Indians and located in the Choctaw Nation in Indian Territory, and that the neighboring Indians regarded him as one of them. By the ex parte affidavit of Malinda A. Taylor it is attempted to be shown that affiant knows the principal applicant and believes her to be an one eighth blood Choctaw Indian, and that affiant also knew said principal applicant's father and that he looked and appeared like an Indian. By the ex parte affidavit of Matilda A. Graves it is attempted to be shown that James McCurry, the father of Mrs. Maggie Burghner, presumably the principal applicant herein, was a Mississippi Choctaw Indian, born and raised in the Choctaw Nation in Mississippi, and that he came to Indian Territory with other Choctaw Indians from Mississippi in about the year 1832, and there lived the remainder of his life. By the ex parte affidavits of Jonas Frazier and Johnson Albertson it is attempted to be shown that Jim or James Mc Curry, the father of the principal applicant was a son of Robert McCurry, who was a son of Sarah McCurry (nee Cloud), a full blood Mississippi Choctaw Indian. There is nothing in any of these affidavits which would tend to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of the Choctaw

tribe of Indians therein, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

NOTE. There is a discrepancy between the oral statement of the principal applicant herein and the ex parte affidavits filed herewith as to the last name of the principal applicant's alleged father, in as much as in the former it is given as McCory and in the latter as McCurry, but no doubt is entertained as to the identity of the James McCurry mentioned in said affidavits with the father of the principal applicant.

The Commission, in view of the fact that these applicants have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the evidence offered in support thereof embraces the oral statement of the principal applicant, given at the time of the making of her original application, and the ex parte affidavits filed by her. By the evidence so submitted it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from James McCory or McCurry, Robert McCurry and Sarah McCurry (nee Cloud), respectively the father, grandfather, and great grandmother of the principal applicant herein, but it appears from the evidence submitted that the said James McCory or McCurry was born and raised in Mississippi and left there in 1832, and hence these applicants cannot rely upon the compliance or attempted compliance of a more remote ancestor with the provisions of article fourteen of the treaty of 1830, but must show such compliance on the part of the said James McCory or McCurry either as the Choctaw head of a family, or as the child of a recognized Choctaw head of a family who complied for

said child, or that the said James McCory or McCurry was complied for as an orphan child of a recognized Choctaw Indian. The evidence entirely fails to show such compliance on the part of the said James McCory or McCurry. It does not appear from the records of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, that any person by the name of James McCory or McCurry ever signified his intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his claims as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stat., 158), and August 23, 1842, (5 Stat., 513), for the adjudication of such claims. Neither does it appear from the records of the Commission that there are affiliated with this case any other persons claiming rights as Choctaw Indians through the said James McCory or McCurry, the alleged Choctaw father of the principal applicant herein.

The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stat., 495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Maggie

Burghmer, Annie Burghmer and James T. Burghmer as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Commissioners.

Muskogee, Indian Territory,

MAY 28 1902

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., September 11, 1902.

In the matter of the Mississippi Choctaw case of Maggie Surghnor, et al., M. C. R. 76--

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In accordance with the letter of the Secretary of the Interior of August 4, 1902, remanding the case of this applicant to this Commission for further hearing, for the purpose of the introduction of additional testimony, said case was set for rehearing on September 11, 1902, at 9 o'clock, a.m.,

Notice of the hearing of such additional testimony was furnished the principal applicant herein on August 12, 1902, and the attorneys for the Choctaw and Chickasaw Nations on August 13, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on September 11, 1902, this case being set for rehearing this day and date, and said case being called, there was no appearance on the part of the principal applicant herein, nor by the attorneys for the Choctaw and Chickasaw Nations.

R. B. Eisenberg, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 11th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 20th day of October, 1902.

John G. Fieber
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Maggie Surghnor for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n.

The applicant, Maggie Surghner, appeared before the Commission at Caddo, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence, that the said applicant did not remove to the Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Maggie Surghnor for enrollment as a citi zen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the ____day of _____, 1901.

W C R76

COPY.

Muskogee, Indian Territory, May 28, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Surghnor, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty; and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Maggie Surghnor, Annie Surghnor and James T. Surghnor as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

COPY.

M McM & C---2

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. D. Woodiss.

Commissioner in Charge.

COPY. M C R 76

Muskogee, Indian Territory, May 28, 1902.

Maggie Surghnor,

Sterrett, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Maggie Surghnor, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Maggie Surghnor, Annie Surghnor and James T. Surghnor as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

M S----2 COPY.

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED). T. B. Needles.

Commissioner in Charge.

Registered.

M C R 76

COPY.

Muskogee, Indian Territory, May 28, 1902.

The Honorable,

The Secretary of he Interior.

Sir:

There is trnamsitted herewith the record in the case of Maggie Surghnor, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 28th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED) T. B. Needles.

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

(C O P Y)

D.C. 18012 J.P.

I.T.D. 4673-1902. J.W.H.
4476-1903.

DEPARTMENT OF THE INTERIOR. FHE

W A S H I N G T O N .

June 26, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 22, 1902, you transmitted the record in the case involving the application for identification as Mississippi Choctaws of Maggie Surghnor (M.C.R.76), for herself and her two minor children, Annie and James T. Surghnor, including your decision of May 28, 1902, refusing to identify them as such.

It seems that the principal applicant in thiscase was born in 1866 in Texas; that she has never lived in Mississippi, and that she now resides in the Indian Territory. She obtained her Choctaw blood from her father, James McCory)or McCurry), who migrated from Mississippi about the year 1838 to the Indian Territory, where he was the owner of a number of farms and other property. He obtained his Choctaw blood from his father, Robert McCory)or McCurry).

The latter was the son of one James McCurry, by his wife Sarah Cloud, who was a full blood Choctaw. It is claimed that Sarah Cloud lived in Mississippi all her life.

You refused to identify these applicants as Mississippi Choctaws because it does not appear from their testimony or from your records that any of their ancestors ever complied or attempted to comply with article 14 of the treaty of September 27, 1830.

Reporting in the matter May 15, 1903, the Acting Commissioner of Indian Affairs recommended that your action be approved in said letter he stated that -

"On August 4, 1902, the Department returned this case to the Commission for further investigation with reference to the ancestry of the applicants," and that said applicants failed to avail themselves of the opportunity so afforded them. In said report he referred to the letter of December 10, 1902, written by the principal applicant, and addressed to the Department, explaining why she failed to appear and requesting an opportunity to present additional evidence in support of her claim.

The Acting Commissioner recommended that her request be denied because she furnished in her letter no additional testimony touching the merits of her claim.

The Department concurs in the recommendation of the Acting Commissioner and your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

E. A. Hitchcock,

Secretary.

1 inclosure.

(C O P Y)

Land.
32247-1902 .
64845-1902.
4943-46356-22895-1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 15, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental consideration record of the Commission to the Five Civilized Tribes in the matter of the application of Maggie Surghnor for herself and her minor children, Annie and James T. Surghnor, for identification as Mississippi Choctaws wherein a decision rejecting the applicants was rendered bythe Commission May 28, 1902.

It appears from the record in this case that the applicants base their claims to a right to identification on their descent from James McCorry or McCurry, Robert McCurry and Sarah McCurry nee Cloud, who they claim were members of the Choctaw Tribe Of Indians in Mississippi in 1830, but the evidence as to the compliance of any of these ancestors with the provisions of the 14th article of the Choctaw treaty of 1830 is not clear, it being being stated that James McCorry or McCurry while being born and raised in Mississippi left there in 1832.

On August 4, 1902, the Department I. T. D. 4673-1902, returned this case to the Commission for further investigation with

(C O P Y)

)*)

reference to the ancestry of the applicants and on August 12, 1902, a letter was addressed to Margie Surghnor at Sterrett, Indian Territory, advising her of the action of the Department and giving notice that she would be furnished a further opportunity to submit such evidence as she might find available with reference to the question as to whether any of her ancestors actually complied with the rovisions of the 14th article of the Choctaw Treaty. The day on which this further evidence was to be heard by the Commission was fixed at September 11, 1902, and on that day the applicant failing to appear, either in person or otherwise, the case was declared closed by the Commission and transmitted for departmental action on October 22.

On November 29, Mrs. Surghnor addressed a letter to the Commission from the Post office at Miami, Indian Territory, saying she had learned that he had been summoned to appear before the Commission, and asking as to when she should appear. On December 6, the Commission responded to this letter setting forth the steps which had been taken as have herein been described.

On December 10, 1902, Mrs. Surghnor addressed a letter to the Department from Miami enclosing the letter of the Commission of December 6, saying that on the 27th day of April she was taken sick at Wapanucka and on May 1st, she was taken by her friends at Haileyville, Indian Territory, where she lay under a physician's care until August 11, when she was sent to Sulphur Springs, Arkansas, leaving there October 19, when she went to Miami where she has been sick ever since.

She asks to be given a further opportunity to be heard in her case, but does not tender any new proof with reference to her ancestry.

The Commission rejected the applicants for the reason that the ancestors under whom they claim did not appear from its record to have either complied or attempted to comply with the provisions of the 14th article of the treaty, and that therefore, in their judgment, the applicants were not entitled to identification as Mississippi Choctaws.

An investigation has been made of the records of this office and they fail to disclose the names of James McCorry or McCurry, Robert McCurry or Sarah McCurry nee Cloud as either applicants or beneficiaries under the provisions of the 14th article of the Choctaw treaty. With reference to the application of Mrs. Burghnor for a further opportunity to be heard in the case, I do not believe it should be granted because she does not tender the names of any further ancestors than those given in the original case as a basis for her application for further opportunity to be heard and since the names of those ancestors do not appear it would be idle to permit her to incur the expense necessary to submit additional evidence. I therefore, recommend that the decision of the Commission rejecting the applicants be approved.

The proof in this case as well as in the cases of Matthew McLaughlin and others, Mississippi Choctaw rolls, 3711 and 287,

led this office to believe that possibly the names of some of the parties might appear upon the rolls of Choctaw citizens by blood. Accordingly, an inquiry was addressed to the Commission asking that examination be made with reference to the names submitted and the response of the Commission is enclosed herewith.

Very respectfully,

A.C. TONNER,

Acting Commissioner.

EBH-R.

M C R 76

COPY.

Muskogee, Indian Territory, July 15, 1903.

Maggie Gardner,
Sterrett, Indian Territory.

Dear Madam:

You are hereby notified that on the 26th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Gardner et al., of which decision you were advised by registered mail on the 25th day of May 1903.

Respectfully,

(SIGNED) T. B. Needles.
Commissioner in Charge.

M C R 76

COPY.

Muskogee, Indian Territory, July 15, 1903.

Mansfield McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of June, 1903 the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Maggie Surghner et al., of which decision you were advised by mail on the 28th day of May, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M O R 98.

Muskogee, Indian Territory, August 18, 1908.

Maggie Sorghnor,

Sterrett, Indian Territory.

Dear Madam:

Under date of August 4, 1908, the Secretary of the Interior returned to this Commission the record theretofore forwarded the Department in the matter of your application for the identification of yourself and minor children as Mississippi Choctaws, with instructions that an opportunity be granted you to further testify in relation to the compliance on the part of your ancestors, through whom you claim your right to identification, with the provisions of the fourteenth article of the Choctaw treaty of 1830.

The authority which empowers this Commission to determine the identity of so called Mississippi Choctaws is contained in the 21st section of the act of Congress approved June 28, 1898 (30 Stats., 495) and is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, referred to in the above legislation, is as follows:

> "Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission in determining the right of persons to be identified as Mississippi Choctaws requires that the applicants reasonably demonstrate that they are the descendants of Choctaw Indians who resided within the territorial limits of the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted or were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized for this purpose by the acts of Congress approved March 2, 1837, and August 23, 1842.

The Assistant Attorney General for the Interior

Department, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress approved June 28, 1898, used the following language:

> "There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, in order for yourself and children to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, be necessary to show that the least remote of your ancestors, who was living at the date of the conclusion of the treaty of 1830, was a beneficiary under the provisions of article fourteen thereof.

You are hereby notified that in accordance with instructions herein referred to, the Commission to the Five Civilized Tribes will at its office in Muskogee, Indian Territory, up to and inclusive of Thursday, September 11th, 1902, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of your claim.

Yours truly,

Acting Chairman.

-:- COPY -:-

H C R 76

Muskogee, Indian Territory, September 9, 1903.

Jesse M. Hatchett,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th, instant, in which you ask to be informed if Mrs. Maggie Surghnor is a member of the Choctaw or Chickasaw tribe of Indians.

In reply you are informed that it appears from the records of the Commission that Maggie Surghnor made personal appearance before this Commission on June 15, 1900, and made application for the identification of herself and two minor children as Mississippi Choctaws. The Commission, on May 28, 1902, rendered its decision refusing the application of these persons to be identified as Mississippi Choctaws, and on the same date notified her of such decision and of the forwarding of the record to the Secretary of the Interior for review.

On August 4, 1902, the Secretary of the Interior returned to this Commission the record theretofore forwarded the Department, with instructions that the applicants be granted further opportunity to testify in support of their claim.

On August 13, 1902, Maggie Surghnor was notified by reg-

istered mail at Sterrett, Indian Territory, the latest post office address given by her, of the action of the Secretary of the Interior, and that the Commission would, up to and inclusive of Thursday, September 11, 1902, hear the testimony of such witnesses as ight present themselves in person, and receive for consideration such documentary evidence as might be offered in support of her claim. This letter has been returned to the Commission as "unclaimed."

If you are in communication with Maggie Surghnor and will give the Commission her present post office address, the notice of the Secretary of the Interior will be re-forwarded to her and a further extension of time allowed her within which to appear before the Commission in person to introduce additional testimony in support of her claim.

Yours truly,

(Signed) Tams Bixby,

Acting Chairman.

Miss.Choctaw R76

Muskogee, Indian Territory, October 22, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

In the matter of the application for identification as Mississippi Choctaws of Maggie Surghnor, et al., the Commission has the honor to report that upon receipt of Departmental communication of August 4, 1902, (I.T.D. 4673-1902), returning the record theretofore forwarded therein, with instructions that the applicant be granted further opportunity to introduce evidence showing that her ancestors complied or attempted to comply with the provisions of the fourteenth article of the treaty of September 27, 1830, or that they presented their claims to either of the Commissions appointed under acts of Congress of March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 513), the applicant was, on August 12, 1902, notified by mail that she would be allowed thirty days within which to submit evidence of the compliance of her ancestors with the provisions of the fourteenth article of the treaty of 1830, and on August 13, 1902, the attorneys for the Choctaw and Chickasaw Nations were notified that the Commission would hear the testimony of witnesses and receive documentary evidence in support of the above

named application, up to and including September 11, 1902.

On August 29, 1902, the letter addressed to the principal applicant herein was returned unclaimed, and on September 9, 1902, a letter was addressed to Jesse M. Hatchett, Attorney at Law, Durant, Indian Territory, in response to an inquiry from him as to the status of the case of Maggie Surghnor, advising him of the time granted the applicant for the introduction of additional evidence, and requesting to be advised the present address of the said applicant, in order that a second letter of notification might be addressed to her, granting additional time for the introduction of evidence in this case. To this letter no reply was received.

In accordance with the notice of August 12, 1902, on September 11, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the case of Maggie Surghnor, et al., was called for hearing, but no appearance was made by or on behalf of the applicants herein or by the attorneys for the Choctaw and Chickasaw Nations.

The applicants in the case of Maggie Surghnor, et al., having failed to enter any appearance, or introduce additional evidence showing the compliance of the ancestors through whom they claim with the provisions of the fourteenth article of the treaty of 1830, or that said ancestors presented claims as beneficiaries under under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stats.,180),

and August 23, 1842, (5 Stats.,513), for the adjudication of such claims, the additional proceedings in the case of Maggie Surghnor, et al., applicants for identification as Mississippi Choctaws, is therefore herewith transmitted, together with the original record in the case, with the recommendation that the decision of the Commission refusing the applications of the several persons included therein be approved.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

Commissioner.

Commissioner.

M.C.R.76

Through the Commissioner
of Indian Affairs.

M.C. . 76.

Muskogee, Indian Territory, December 6, 1902.

M.D. Surghnor,

Miami, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you state that you have been informed that you was called to appear before the Commission, and you ask to be advised when you should appear.

In reply, you are informed that on May 28, 1902, the Commission rendered its decision refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. On the same date you were notified by registered mail of the action of the Commission, and of the forwarding of the record to the Secretary of the Interior for review.

On August 4, 1902, the Secretary of the Interior returned the record in your case to the Commission with instructions that an opportunity be granted you to further testify in relation to the compliance on the part of your ancestor through whom you claim your right to identification with the provisions of article fourteen of the Choctaw treaty of 1830.

On August 13, 1902, you were duly notified of such

departmental action, and that you would be granted up to and inclusive of Thursday, September 11, 1902, within which time to introduce such additional testimony.

The several letters of notification mentioned herein were addressed to you at Starrett, Indian Territory, the post office address given by you at the time you made your application, and were returned to the Commission as unclaimed. It was incumbent upon you to have advised the Commission of any change in your post office address, and having failed to furnish such information, the Commission on September 11, 1902, called your case for rehearing, and there being no appearance, default proceedings were had.

On October 28, 1902, the original record in your case, together with the report of the Commission thereon, was returned to the Secretary of the Interior for final consideration.

Respectfully,

Acting Chairman.

M.C.R. 78.

Muskogee, Indian Territory, December 8, 1902.

D.H. Surghnor,

Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., in which you state that you are the husband of Maggie D. Surghnor, and understand that the Secretary of the Interior recently enrolled her and her two minor children, James and Annie Surghnor, as Mississippi Choctaws. You ask to be advised the present status of their case.

In reply, you are informed that on the 6th inst., the Commission addressed a communication to Maggie D. Surghnor fully advising her of the present status of her case.

Respectfully,

Acting Chairman.

M.C.R. 76.

Muskogee, Indian Territory, December 11, 1902.

Mrs. Maggie D. Surghnor,

Miami, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 7th inst., in which you ask to be advised whether you have been rejected or your name placed upon the Choctaw rolls.

In reply, you are informed that on December 6, 1902, the Commission addressed a communication to you fully setting forth the present status of your case.

Respectfully,

Acting Chairman.

M.C.R. 76.

Muskogee, Indian Territory, December 22, 1902.

D. H. Surghnor,

Sherman, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th instant, addressed to the Secretary of the Interior and by him referred to this Commission for consideration and appropriate action.

Therein you state that you have been informed that the names of Maggie D. Surghnor and her two minor children, James and Annie Surghnor, have recently been placed on the Mississippi Choctaw roll; that you are the father of the minor children, and ask to be advised whether or not they are enrolled as such Mississippi Choctaws.

In reply to your letter you are informed that the Commission on December 6, 1902, addressed a communication to Maggie D. Surghnor fully advising her as to the status of her case.

Respectfully,

Acting Chairman.

MEMORANDA.

(Date) June 15 1900.

Name Maggie Sunghnor, (3) Sterrett, I.T.

Choctaw ? Miss, County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? yes, (1/4) Mother's citizenship Choc.

Intermarried citizen .....

Married under what law ? .....

License filed this day .....

(Husband) Dan Sunghnor (no)

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

	County	Year	Page	No.
16. Anna,	County	Year	Page	No.
14, James J.	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

James McCorry (father) (1/2) Dead
Margarett Campbell, (mother)

James McCurry
wife
Robert McCurry 1/2
wife
Ann McCurry

rū cloud free

James McCurry 1/2
wife
Margaret McCurry

Maggie McCurry
married
Ann Singleton

3d 1/2

Ann Singleton 16
Samuel " 14

FOR IN[illegible] ON AS
A MISSISSIPPI CHOCTAW. No. 76
REFUSED.
Sieglmor

Maggie Sieglmor et al

[illegible]

Judgment written January 18, 1901.
B.C.J.

DECISION prepared MAY 24 1902

76

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 7 1902

ACTING CHAIRMAN

76

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 29 1902

ACTING CHAIRMAN

MUSKOGEE, IND. T.
AUG 29
10 AM

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

8233

3924

Ford

Surghnor

Stewart

Dennant

I. T.

RETURN TO WRITER

MUSKOGEE, IND. TER. 1902

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, I.T. 1902

Mar 76

Maggie Surghnor,

Ford

Stewart,

Dennant

I. T.

RETURN TO WRITER

Choctaw MCR 77

Caroline Bills 77

MCR 77

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

Caroline Bills et al

DE[illegible]RED. 2

REMANDED BY THE SECRETARY OF THE
INT[illegible] FOR HEARING.

RE[illegible] FORWARDED DEPARTMENT.

[illegible] 22 1902

ACTION APPROVED BY SEC[illegible] OF INTERIOR.

FEB[illegible] 1903

Commission to the Five Civilized Tribes,

Caddo, Indian Territory.

In the application of Caroline Bills for enrollment as a Choctaw; being sworn and examined by Com'r McKennon she testifies:

Q What is your name? A Caroline Bills.

Q How old are you? A Fifty.

Q Where do you live? A In Caddo.

Q How long have you been living here? A Pretty near a year.

Q Where did you come from? A Texas.

Q What time did you come? A Shortly after last Christmas.

Q In January of this year? A Yes sir.

Q You were born and raised in Texas? A No sir, I wasn't. I was born in the Nation, in the Territory.

Q Where in? A In Mississippi.

Q When did you come to Texas? A I have been in Texas all my life.

Q You have never been on the Choctaw rolls? A No sir.

Q Your father and mother are not on the Choctaw rolls in the Nation? A I don't know whether they are or not.

Q How long have they been dead? A I couldn't tell how long they have been dead, they have been dead a long time though.

Com'r McKennon: Enrollment is refused.

Department of the Interior,

Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath, that this is a true and correct transcription from stenographic notes of testimony taken before the undersigned Commission, in the matter of the application of Caroline Bills for enrollment as a Choctaw.

M D Green

Miss. Choc. R-77.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER., JUNE 15, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Caroline Bills, said applicant being sworn by Acting Chairman Bixby, testified:

By the Commission:

Q What is your name? A Caroline Bills.
Q How old are you? A 57.
Q What is your postoffice address? A Caddo, I.T.
Q Caddo in the Choctaw Nation? A Yes.
Q You live at Caddo? A Yes.
Q How long have you lived at Caddo? A Year ago last March.
Q Where did you live before you went to Caddo? A Texas.
Q How long did you live in Texas? A About 40 years.
Q Were you born in Texas? A No sir, Mississippi.
Q Did you move from Mississippi direct to Texas? A Yes.
Q What is the name of your father? A John Daniels.
Q Is he living? A No sir, he's dead.
Q Was he a white ~~xx~~ man or Choctaw Indian? A White man.
Q What was the name of your mother? A Ailsy Daniels.
Q Is your mother a Choctaw Indian or a white woman? A Choctaw .
Q What proportion of Choctaw blood does she claim to have? A She was a full blood Choctaw.
Q Is she living? A No sir, she's dead.
Q How long has she been dead? A Long time- could not state what time exactly.
Q What proportion of Choctaw blood do you claim? A 1/8.
Q Did your mother live in the State of Mississippi any? A Yes.
Q Did she ever alive anywhere else? A Not that I know of.
Q Then she never lived in the Indian territory? A I don't know.
Q Do you know whether she was ever recognized by the tribal authorities of the Choctaw Nation as a Choctaw Indian? A I don't know.
Q Does your name appear upon the Choctaw rolls as a citizen of that nation? A If it does I don't know.
Q Did you ever make application to the Choctaw authorities for enrollment as a citizen of that Nation? A I don't know.
Q You would know it if you did wouldn't you? A I ~~xxxx~~ did not make any at all.
Q Did you apply to the Commission to the Five Civilized Tribes in 1896 for citizenship in the Choctaw Nation? A No sir.
Q Have you ever appeared before this Commission for enrollment before? A No sir.
Q Didn't you appear before this Commission at Caddo last year? A I went up there , but I didn't do anything.
Q Isn't it a fact that you were sworn by one of the Commissioners and gave certain testimony at one time? A Yes, I told how old I was, but didn't do anything.
Q When you were before the Commission at Caddo last year did you make the claim that you were a Mississippi Choctaw or did you apply as a Choctaw by blood? A I thought it was all the same and applied as a Mississippi Choctaw. I didn't understand it any way.
Q Are you married? A Yes.

Q Is your husband living? A Yes.
Q What is his name? A Joseph Bills.
Q What is his age? A About 60 years.
Q Is he a white man or a Choctaw Indian? A He is a colored man.
Q You claim through your mother? A Yes.
Q Was your father a colored man? A No sir., a white man .
Q Your mother a full blood Choctaw Indian? A Yes
Q Do you make application for your husband? A Yes.
Q On what do you base his claim? A I don't know what the nature of his claim is.
Q When and where were you married to your husband? A In Texas.
Q Under the laws of the State of Texas? A Yes.
Q When were you married to him? A About 40 years ago.
Q At what point in Texas? A Paris. 10 miles from Paris.
Q Have you your marriage license and certificate? A No sir.
Q Do you desire to present at this time your marriage license and certificate? A I haven't got any.
Q Have you any children? A Yes.
Q Are any of them under 21 years of age? A All but one.
Q Please give the names and ages of such of your children as are under 21 years of age now living with you? A Minnie 13 years old; Jessie 12 years old; Harrison 8 years old.
Q These children are living with you and always have lived with you? A yes.
Q Their residence has always been the same as yours? A yes.
Qx You claim for yourself and your three children? A yes.
Q And for your husband as an intermarried Mississippi Choctaw? A yes.
Q Under what treaty do you claim as a Mississippi Choctaw? A All of them.
Q Then you do not claim under any particular article of any particular treaty, but simply make the statement that you claim under all the treaties? A yes.
Q All treaties between whom? A I don't understand it? XX
Q How did you get that idea? A I don't know how it went.
Q H w did you come to make a claim under all the treaties? A I thought that it was right.
Q Do you claim any benefits in behalf of yourself or your children under the 15th article of the treaty of Dancing Rabbit Creek? A No sir, I don't know anything about it.
Q Under the 19th article of that treaty? A No sir, I don't know anything about it.
Q Do you claim anything for yourself or children under the 14th article of that treaty? A No sir.
Q Did either yourself or any of your ancestors ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes.
Q Did you or your ancestors ever claim or receive any land under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No sir.
Q What is the name of your husband's faher? A Record Spanish.
Q Is he a colored man? A I don't know- never saw him. Don't know anything more than what I heard them say.
Q What did you hear him say? A I think he is.
Q What is the name of your husband's mither? A Emily Spanish.
Q Do you know whether she is a colored woman or not? A I ~~thinkxxhexis~~ don't know.
Q Your husband does not claim any choctaw blood? A I don't know.
Q Is there any additional statement with reference to your case

that you desire to make at this time? A No sir.
Q Have you any papers you desire to file in connection with your case? A No sir.

The Commission is unable from the testimony in your case to identify yourself and your children as Mississippi Choctaws, and your husband as an intermarried Mississippi Choctaw. The decision of the Commission showing more fully why it cannot identify yourself, your children and husband as Mississippi Choctaws under the Act of June 28, 1898, will be furnished you in writing at a later date, mailed to your present postoffice address.

Brown McDonald, being sworn by Acting Chairman Bixby, says that as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and the foregoing is a true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 20th day of June, 1900, at Calbert, Indian Territory.

Acting Chairman.

FREEDMEN ROLL.

FATHER'S TRIBAL ENROLLMENT			FATHER'S OWNER	MOTHER		
Year	Town	No.		NAME	Dunn	Ye
					REFER TO M. C. R. 77	

Cherokee Roll etc

Riley Daniels
full blood
husband
John Daniels White

Caroline Bills 37 1/8
wife 17
nee Daniels
husband
Joseph Bills Colored,
claim for husband

Mary Bills 32
married
— Floyd

Calvin or Caroline Bills 25

Claude Bills 16

Minnie Bills 13
wife 17

Jessie Bills 12

Harrison Bills 8

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. September 15, 1902.

In the matter of the Mississippi Choctaw case of Caroline Bills, M. C. R. 77.

In accordance with the letter of the Secretary of the Interior of August 9, 1902, remanding this case for further hearing for the purpose of the introduction of additional testimony in support thereof, said case was set for such rehearing on September 15, 1902,

Notice of the hearing of such additional testimony was furnished the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations on August 16, 1902.

At the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on September 15, 1902, this case being set for rehearing this day and date, and said case being called, there was no appearance on the part of the principal applicant, nor by the attorneys for the Choctaw and Chickasaw Nations.

R. B. Eisenberg, being first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full the proceedings had in the above entitled cause on the 15th day of September, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

R. B. Eisenberg

Subscribed and sworn to before me this 14th day of October, 1902.

Philip B. Hopkins
Notary Public.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. September 15, 1902.

In the matter of the Mississippi Choctaw case of Caroline Bills, M. C. R. 77.

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R. B. Eisenberg

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Philip B. Hopkins
Notary Public.

V.F.
C.R.B.
Cow.
Wm. O.B.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Caroline Bills, et al., for identification as Mississippi Choctaws, M C R 77.

--: D E C I S I O N :--

We find from the record in the above case of Caroline Bills, et al., that in the month of August, 1899, the said Caroline Bills appeared before the Commission at Caddo, Indian Territory, and there made personal application for enrollment as a citizen by blood of the Choctaw Nation, and that such application was refused on the ground that her name was not upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission. The record herein further shows that on June 15, 1900, the said Caroline Bills appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her three minor children, Minnie, Jessie and Harrison Bills, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in the year 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek," and for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw.

The principal applicant claims descent from Ailsy Daniels, an alleged full blood Choctaw and John Daniels, a white man, who are the parents of this applicant.

The record in this case further shows that the principal applicant, Caroline Bills, and her husband and three minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10,1896, (29 Stats., 321.)

The only evidence offered in support of this application is the oral statement of the principal applicant, by which it is attempted to be shown that she was born in the state of Mississippi in about the year 1843, and that for over one year prior to the making of her original application she had been a resident of Indian Territory, and claims to be an one eighth blood Choctaw. She states that she married her husband, for whom she makes application,under the laws of the state of Texas, and it does not appear that she was ever married to him under the Choctaw law. She only attempts to trace her alleged Choctaw descent to her mother, and in answer to the question, "Did either yourself or your ancestors ever take advantage of the provisions of the fourteenth article of the treaty of 'Dancing Rabbit Creek'?", she said, "Yes", but in

contradiction to this stated further that neither herself or her ancestors ever claimed or received any land under the provisions ofsaid article of said treaty, and does not state in what manner any of her ancestors ever took advantage of the provisions of said article, and there is nothing in her testimony which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in the old Choctaw Nation as members of that tribe. There is filed herewith the written petition of the principal applicant but it cannot be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The record in this case further shows that on February 26, 1901, there was forwarded by the Commission to Caroline Bills a written decision, refusing the application she had made for the identification of herself and family as Mississippi Choctaws.

The Commission, in view of the fact that the applicants herein have had sufficient time allowed them in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof is the oral statement of the principal applicant, given at the making of her original application and by said evidence it is attempted to be shown that the applicants herein derive their alleged Choctaw blood from Ailsy Daniels, the mother of the principal applicant herein, who was an alleged full blood Choctaw. In order that these applicants may be identified as Mississippi Choctaws it is incumbent upon them to show that they are descendants of a Choctaw Indian who lived in the old Choctaw Nation in the states of Mississippi and Alabama in 1830,

and complied or attempted to comply with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek" as the head of a family, or who was the child of a recognized Choctaw head of a family who complied for said child, or who was complied for as an orphan child of a recognized Choctaw Indian. It is impossible to determine from the evidence submitted whether Ailsy Daniels, the mother of the principal applicant herein and the remotest known alleged Choctaw ancestor of the applicants herein, was living in the old Choctaw Nation in the states of Mississippi and Alabama in 1830 as a recognized Choctaw Indian, or whether she complied with the provisions of article fourteen of the treaty of 1830, and the only search that can be made among the records of the Commission of those persons who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, is for the name of the said Ailsy Daniels, and it does not appear from said records that any person bearing said name ever signified her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837 and August 23, 1842, for the adjudication of such claims. Neither does it appear from the records in the possession of the Commission that there are affiliated with this cases any persons claiming any rights as Choctaw Indians in the Choctaw lands through Ailsy Daniels, the alleged Choctaw mother of the principal applicant herein.

The authority vested in the Commission by the twenty-

first section of the act of Congress of June 28, 1898, (30 Stats., 495), is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caroline Bills, Minnie Bills, Jessie Bills and Harrison Bills, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Caroline Bills for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,

Commissioners.

Muskogee, Indian Territory,

MAY 28 1902.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Caroline Bills
et al

mCR
#77

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Caroline Bills for the identification of herself and her minor children, Winnie, Jessie, and Harrison Bills, as Mississippi Choctaws, and for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Caroline Bills appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of herself and her minor children, Winnie Bills, Jessie Bills and Harrison Bills, as Mississippi Choctaws, and for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Caroline Bills, for herself and for her minor children, Minnie Bills, Jessie Bills, and Harrison Bills, as Mississippi Choctaws, and for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

FEB 25 1901

Department of the Interior,
Commission to the Five Civilized Tribes,

In the matter of the application of Caroline Bills for enrollment as a citizen of the Choctaw Nation.

D e c i s i o n .

The applicant, Caroline Bills, appeared before the Commission at Caddo, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission, and from the evidence in this case, that the name of the applicant was never upon the tribal rolls of the Choctaw Nation; nor does it appear that the applicant was ever admitted to citizenship in the Choctaw Nation by the legally constituted authorities of the Choctaw Nation. It further appears from the records in the possession of the Commission and the evidence in this case, that the applicant was never admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Court in Indian Territory on appeal from the decision of the tribal authorities, or the decision of the Commission.

It further appears from the evidence that the applicant did not remove to the Indian Territory in compliance with the Act of Congress of June 28, 1898, (Curtis Bill), which provides as follows:

"No person shall be enrolled who has not heretofore removed to and in good faith settled in the Nation in which he claims citizenship."

Therefore, the application of Caroline Bills for enrollment as a citizen of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This _____ day of _____, 1901.

Muskogee, Indian Territory, October 15, 1900.

Pearson & Arnold,
Attorneys at Law,
Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of the 4th instant, enclosing petitions of Fannie Patterson, Lemuel Harris, Tilford Self and Caroline Billie offered for filing in their respective cases.

The petition of Fannie Patterson for enrollment as a citizen of the Choctaw Nation is herewith returned for the reason that judgment has already been rendered in this case, a copy of same having been mailed applicant October 1st, 1900. Therefore the records in this case so far as the Commission is concerned are closed.

The petitions of Lemuel Harris, Tilford Self and Caroline Billie, applicants for identification as Mississippi Choctaws, have been received and filed by the Commission with the records in their respective cases.

Yours truly,

Acting Chairman.

Enc'd

7-R-565
M. C. R- 10
M. C. R- 77
M. C. R-285

Muskogee, Indian Territory, April 29, 1901.

Messrs. Hudson & Arnold,

Ardmore, Indian Territory.

Gentlemen:

The Commission is in receipt of request of Caroline Bills to have the papers in her case transmitted to the Honorable Secretary of the Interior. You are advised that this request has been filed with the other papers in this case and the record so made will be forwarded to the Secretary of the Interior.

Yours truly,

COPY M O R 77.

Muskogee, Indian Territory, May 28, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 28th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Caroline Bills, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caroline Bills, Minnie Bills, Jessie Bills and Harrison Bills, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

COPY.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by Caroline Bills for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED).

Commissioner in Charge.

COPY. M C R 77.

Muskogee, Indian Territory, May 28, 1903.

Caroline Bills,

Gadsden, Indian Territory.

Dear Madam:

You are hereby advised that on the 28th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Caroline Bills, et al., applicants for identification as Mississippi Choctaws.

Said decision after a review of the evidence submitted concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898, (30 Stats., 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary hereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Caroline Bills, Minnie Bills, Jessie Bills and Harrison Bills, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted and that the application for their identification as such should be refused, and it is so ordered.

It is the further opinion of the Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the appli-

C B---8

COPY.

cation made by Caroline Bills for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Commissioner in Charge.

Registered.

M O R 77.

COPY.

Muskogee, Indian Territory, May 28, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Caroline Bills, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 28th, 1902.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Commissioner in Charge.

Through the Commissioner

of Indian Affairs.

1 enclosure.

Miss.Choctaw R77

Muskogee, Indian Territory, October 22, 1902.

The Honorable,

The Secretary of the Interior,

Sir:

In the matter of the application for identification as Mississippi Choctaws of Caroline Bills, et al., the Commission has the honor to report that upon receipt of Departmental communication of August 9, 1902, (I.T.D. 4796-1902), returning the record theretofore forwarded therein, with instructions that the applicant be granted further opportunity to furnish additional testimony in support of her claim for identification as a Mississippi Choctaw, the applicant was, on August 16, 1902, notified by mail that she would be allowed thirty days within which to submit evidence as to her ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and on the same date the attorneys for the Choctaw and Chickasaw Nations were notified that the Commission would hear the testimony of witnesses and receive documentary evidence in support of the above named application, up to and including September 15, 1902.

On September 15, 1902, at the office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, the case

of Caroline Bills, et al., was called for hearing, in accordance with this notice, but no appearance was made by or on behalf of the applicants herein or by the attorneys for the Choctaw and Chickasaw Nations.

The applicants in the case of Caroline Bills, et al., having failed to enter any appearance, or introduce additional evidence showing the compliance of the ancestors through whom they claim with the provisions of the fourteenth article of the treaty of 1830, or that said ancestors presented claims as beneficiaries under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837, (5 Stats.,180), and August 23, 1842,(5 Stats.,513), for the adjudication of such claims, the additional proceedings in the case of Caroline Bills, et al., applicants for identification as Mississippi Choctaws, is therefore herewith transmitted, together with the original record in the case, with the recommendation that the decision of the Commission refusing the applications of the several persons included therein be approved.

Respectfully,

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Acting Chairman.

M.C.R. 77

Through the Commissioner
of Indian Affairs.

Commissioner.

Commissioner.

Commissioner.

Choctaw
4288 & 4337
M C R 77

Muskogee, Indian Territory, February 2, 1903.

G. L. Miller,

Lehigh, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 26, in which you ask if the following named persons are on the rolls of the Choctaw Nation: Caroline Bills and her children, Minnie, Jessie, Calvin and Harrison Bills, C. Marlow and his children, Reuben, George and Willie Marlow, and Joe or Joseph Hoges, now deceased, and his son and three daughters whose names you do not recall.

In reply to your letter you are advised that it appears from our records that Crawford Marlow and his wife, Ella J. Marlow, and their children, Reuben T., William J., George and Ola Marlow, have been listed for enrollment as citizens of the Choctaw Nation having been admitted to such citizenship in 1896 by this Commission in Choctaw case number 1274. It also appears from our records that Joseph J. Hodges, his wife, Laura B. Hodges and their children, Henry, Henrietta, Mary P., Jennie G. and Joseph T. Hodges, have been listed for enrollment as citizens of the Choctaw Nation having been identified from the 1896 Census Roll of the Choctaw Nation.

It further appears from our records that Caroline Bills was an applicant to this Commission for the identification of herself and her three minor children, Minnie, Jessie and Harrison Bills, as Mississippi Choctaws, and for the identification of her husband, Joseph Bills, as an inter-married Mississippi Choctaw. On May 28, 1902, the Commission refused the above application and, on the same date, the record in this case was forwarded to the Department. The Commission has not yet been advised of the action of the Secretary of the Interior in this case.

Respectfully,

Acting Chairman.

D.C. 5266 COPY J.W.H.

DEPARTMENT OF THE INTERIOR. FHE.

I.T.D. 478-1903.
4796-1902. W A S H I N G T O N. February 19, 1903.

LRS.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

October 22, 1902, you transmitted the record in the case embracing the applications for identification as Mississippi Choctaws of Caroline Bills (M.C.R. 77) for herself and her minor children, Minnie, Jessie and Harrison Bills, and for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw, including your decision of February 25, 1901, refusing to identify them as such.

The principal applicant is the daughter of John Daniels, a white man, and his full blood Choctaw wife, Ailsy now deceased. The record contains no further information relative to her ancestry.

The testimony as furnished by the record fails to show that these applicants or any of their alleged ancestors, ever complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent actsrelating thereto.

It further appears that the records of the government in your possession as well as those at the Indian Office fail to show that any person whatever bearing the name of any of the alleged ancestors ever complied or attempted to comply with said article or acts.

August 5, 1902, and January 18, 1903, the Indian Office reported in the case, recommending in both reports that your action be approved. As the Department concurs therein your decision is hereby affirmed.

A copy of Indian Office letter of January 16, 1903, is inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

1 inclosure.

C O P Y.

Land.
64980-1902.

Department of the Interior,
Office of Indian Affairs,
Washington, January 16, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to submit herewith for your consideration, record of the Commission to the Five Civilized Tribes in the matter of the application of Caroline Bills for the identification of herself and her 3 children, Minnie, Jessie and Harrison Bills, and for the identification of her husband, Joseph Bills, as an intermarried Mississippi Choctaw.

A decision adverse to the applicants was rendered May 28, 1902. The record in this case shows that the applicants base their claim to identification on their descent from Ailsy Daniels, the mother of Caroline Bills, who is the husband of Ailsy being one John Daniels. The claim of the applicants is that this ancestor was a member of the Choctaw tribe of Indians in Mississippi in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejected these parites on the ground that its records did not show thé Ailsy Daniels was an applicant or beneficiary under the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office shows that there was no Ailsy Daniels who was a beneficiary under the 14th article of

the Choctaw treaty of 1830. This being the case it is evident that the decision of the Commission was correct and I recommend that that decision of rejection be approved.

Very respectfully,

W.A. JONES,

Commissioner.

E.B.H. (E)

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 77.

Muskogee, Indian Territory, March 5, 1903.

Caroline Bills,

Caddo, Indian Territory.

Dear Madam:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Caroline Bills, et al., of which decision you were advised by registered mail on the28th day of May, 1902.

Respectfully,

Chairman.

M.C.R. 77.

COPY.

Muskogee, Indian Territory, March 5, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 19th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Caroline Bills, et al., of which decision you were advised by mail on the 28th day of May, 1902.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

MEMORANDA.

(Date) June 15. 1900 ~~1899~~.

Name Caroline Bilds - (57). Caddo 95

Choctaw? Miss (1/8) County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? Yes (Mother's citizenship Choc. (Full)

Intermarried citizen? .....

Married under what law? Claims 1/8 blood

License filed this day, ...

Wife's name, (Husband) Joseph Bilds - (colored)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? Yes (Intermarried Miss. Choc.)

Married under what law? State of Texas.

License filed this day (Not filed)

FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW

Personal appearance and testimony given this 15th day of June, 1900.

Age. Names of children:

(13) Minnie ..... County ..... Year ..... Page ..... No. .....

(12) Jessie ..... County ..... Year ..... Page ..... No. .....

(8) Harrison ..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

(Father) - John Daniels - (Dead)

(Mother) - ~~Lucy~~ Aylsing Daniels, (Dead)

Cherokee Nation

Enrollment Card

Judgment written January 18, 1901.
B.C.J.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 25 1901

Acting Chairman

DECISION prepared MAY 24 1902

77

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 7 1902

ACTING CHAIRMAN

REGISTERED. JUL 1 1902 MUSKOGEE, IND. TER.

MAY 30 1902

1902
22 1902
Muskogee, Ind. Ter.,
OCT 1902
Houston T. Leas, P. M.

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

REGISTERED. AUG 1 1902 MUSKOGEE

Caroline Bills

~~Tandto~~

~~J.J.~~

Cannot be delivered
Present address unknown

Reg.

Reg 229
227.

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND.

Caroline

77

File

GRAND JUNCTION, COLO.
APR 6 7 AM 1903
REC'D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 2 1903

UNCLAIMED

Department of the Interior.
Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

MUSKOGEE, IND. T.
MAR 5 7:30 PM 1903

Caroline Bills,

[redacted]

ADDD
MAR 5 11 AM 1903
IND. T.

Choctaw MCR 78

Lewis Woodard

MCR 78

Refer To MCR 79, 80

[illegible] et al

REFUSED

DECISION RENDERED. 1902

NOTICE OF DECISION MAILED APPLICANT. MAY 16 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS. MA 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. 1902

RECORD FORWARDED DEPARTMENT. 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. JUN 16 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT. JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARD ORNEYS FOR CHOCTAW AND CHICKA NATIONS. JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. 1902

REFER TO M. C. R. 79, 80.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I. T. December 21, 1901.

In the matter of the application for identification as Mississippi Choctaws of Louis W. Woodard et al., M. C. R. 78.

In the matter of the application for identification as a Mississippi Choctaw of Mary Woodard M. C. R. 79.

In the matter of the application for identification as a Mississippi Choctaw of Lizzie Woodard, M. C. R. 80.

- - -o- - -

TRANSCRIPT OF PROCEEDINGS HAD ON REHEARING OF THE ABOVE ENTITLED CAUSES HELD AT THE OFFICE OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES, AT MUSKOGEE, INDIAN TERRITORY, SATURDAY, DECEMBER 21st., 1 9 0 1.

---0---0---0----0---

In accordance with the letter of the Secretary of the Interior of June 10, 1901, remanding to this Commission for further hearing the case of Lizzie Woodard, the case of this applicant has been combined with the cases of Louis Woodard et al., and Mary Woodard for the purpose of the introduction of additional testimony in support of their applications, the applicants herein being the descendants of the same common ancestors; Tom Woodard and his wife Mary Woodard, nee Mingo. Notice of the hearing of such additional testimony was furnished the several applicants herein, their attorney and the attorneys for the Choctaw and Chickasaw Nations, November 15, 1901.

- - - - - 0 - - - - - -

APPEARANCES:

L. P. Hudson, who makes special appearance for J. O. Poole, attorney of record for the several applicants in the above entitled consolidated cases, for the purpose of this hearing only.

Louis W. Woodard, the principal applicant in these consolidated cases.

Mary Woodard.

Lizzie Woodard.

NO APPEARANCE by the Choctaw or Chickasaw Nations.

#2

Louis W. Woodard, principal applicant, being first duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Louis Woodard or L. W.
Q You call yourself Louis? A Yes sir.
Q How do you spell that L-o-u-i-s or L-e-w-i-s? A L-o-u-i-s.
Q How do you spell that Woodard? A W-o-o-d-a-r-d.
Q How old are you? A Sixty-eight, my birthday is in July.
Q How much Choctaw blood do you claim to be possessed of? A Three quarters I reckon, my father--his father was a white man and his wife and Indian and my father was Choctaw and my mother a full blooded Choctaw.
Q You claim three-quarters? A Yes sir.
Q What is your post-office address? A Elderville, Texas.
Q How long have you lived at Elderville, Texas? A About,-near thirty years, in that country around there.
Q Where were you born? A Tuskegee, Alabama.
Q How long did you live there after your birth? A I left there a boy, I don't know.
Q Where did you go to from Alabama? A Washita County, Arkansas.
Q How long did you live there? A I can't tell you. I lived there until I was grown.
Q Did you move from Arkansas to Texas? A No sir from Arkansas I went to Louisiana and stayed there two or three years and from there I went to Texas.
Q Did you ever live in the Indian Territory? A Not long at a time, I came here, me and my babies, after their mother died I came over here about twenty odd years ago and moved to the Indian Territory and was told by some men there that I had no right there and I had a little home back in Texas and I took the children and went back.
Q Have you ever maintained a continuous residence in the Indian Territory; how long did you ever reside in the Indian Territory at any one time? A Not more than a month at a time. I never made it my home.
Q Is your father living? A No sir he is dead.
Q What was your father's name? A Tom Woodard.
Q How old would your father be if he were living now? A I could not tell you.
Q When did he die? A Before the War, I can't tell you the year.
Q About how old was he when he died? A They said he was near seventy-five years old.
Q And he died just before the War? A He died some time in fifty seven or fifty eight.
Q And he was about seventy-five years of age when he died? A Yes sir.
Q Where did your father die? A In Louisiana, I think in Wynn or Rapidees Parish.
Q You know where your father was born? A In Georgia I think he said.
Q Did he ever live in Mississippi? A No sir he never went to Mississippi. He and his mother came to Arkansas four years after the treaty, they had a lot of colored people and had a big plantation.
Q Did he not move from Georgia to Alabama? A Yes I think he did.
Q Then from Alabama to Arkansas? A Yes sir.
Q Is your mother living? A No sir she is dead.
Q You know how old your mother would be if she were living? A No sir I do not.

#3

Q What was your mother's name? A Mary Woodard.
Q You know what her name was before she married? A She said her father's name was Mingo, she also had a brother named Mingo I hunted with him.
Q Did he have any other name besides Mingo? A She never knew the name.
Q This brother that you hunted with what was his name? A His name was Louis. She named me after him.
Q His name was Louis Mingo? A Yes sir.
Q Do you know where your mother died? A She died in Arkansas I think,--Why Yes she died in Arkansas.
Q Do you know where your mother was born? A I think in Alabama, about Tuskegee somewhere.
Q When and where were your father and mother married? A I can't tell you that, my father said he had her, I don't know nothing about my mother you know, my father he raised me and she was born a Mary Mingo.
Q You don't know what year they were married in? A No I know she had two girls and one brother older than me who was killed.
Q How much older was your brother than you? A She had four children I think, I was the baby and there was no more than one year difference. I know my brother Alfred and my uncle Mingo and both got shot and killed so I was told, they was drunk.
Q Then you think that the oldest child of your mother was about four or five years older than you? A I don't know I was a baby boy, I was four years old when my mother died, that is all I can say.
Q What year were you born in? A Thirty-four.
Q Thrity-four? A Yes sir the 20th of July'34, and there were three children of my mother and father older than me, Melinda was the oldest girl, Manda and Alfred.
Q Were any of these children ever married? A Alfred lived to be married but he got killed directly after he was married.
Q Did he leave any children? A No sir.
Q Do you know whether or not your mother and father were married and lived to gether as man and wife in eighteen hundred and thirty? A Eighteen hundred and thirty, I reckon they was living when I was born.
Q You know whether they were living together as man and wife in eighteen hundred and thirty, four years before you were born? A I can't tell you, all I know my father said that she died when I was four years old.
Q But you were born in eighteen hundred and thirty four and there were three children older than you? A Yes sir.
Q But you don't know what year your father and mother were married? A No sir.
Q Through which one of your parents do you claim your Choctaw blood? A I always claimed from both of them, only from what my father said, he claimed one half and he said my mother was a full blood.
Q Did you in June nineteen hundred appear before this Commission at Colbert, Indian Territory and apply for identification as a Mississippi Choctaw? A Yes sir.
Q In your application at that time your name is given L-e-u-i-s W-o-o-d-w-a-r-d; did they ask you how to spell your name at that time? A I told him I could not write my name, I told him my name was Woodard.
Q You gave your name at that time as sixty-six years of age? A Yes my birthday is in July and in July, the 20th I would have been sixty-six years old.
Q You are that same Woodard? A Yes sir they ain't but one Woodard living; me and my children that I know anything about.
Q Were either your father or mother ever, in any way, recognized

or enrolled as members of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities? A I don't know, he left Alabama when I was a boy. I don't know nothing about Alabama but they never were here in the Territory.

Q They never was in the Territory? A No sir.

Q Are you married? A No sir I am not married.

Q You have been married though have you not? A Yes sir I have been married to these children's mother.

Q What was the name of your wife? A Ann Carter she went by.

Q Is she dead you say? A Yes sir.

Q What year did she die in? A She died in eighteen hundred and eighty the 20th of March.

Q Was she possessed of any Choctaw Indian blood? A Well no sir; she just claimed white blood.

Q How many children were born to you and your wife by this marriage? A Three.

Q Are they all living? A All living.

Q Will you give their names and ages? A Mary Woodard was born the 19th of November in seventy-five. Lizzie Woodard, was born the 28th of April -seventy-seven. Callie Woodard, was born the 16h day of February eighteen hundred and eighty.

Q All these children living? A Yes sir.

Q Have any of these children of yours been before the Commission and made application for identification as Mississippi Choctaws? A Yes sir.

Q Which of them? A Mary and Lizzie Woodard.

Q When Lizzie Woodard appeared at Colbert, Indian Territory, June 15th 1900, and applied for identification as a Mississippi Choctaw, you applied that same day; she was your daughter? A Yes sir.

Q She gave her age at that time as twenty-three years of age? A Yes sir.

Q And her post office address, Durant? A Yes sir.

Q That is all correct is it? A Yes sir.

Q Mary Woodard applied to the Commission at Colbert, Indian Territory, June 15th 1900, for identification as a Mississippi Choctaw, she gave her age as twenty-four, her post office address Durant, that is correct? A Yes sir.

Q Lizzie Woodard and Mary Woodard are your daughters, are they? A Yes sir.

Q At the time you made application on your own behalf you also, applied for your minor child Callie Woodard? A Yes sir.

Q She is living is she? A Yes sir.

Q And is your daughter? A Yes sir, all the children I have got in the World, my three girls.

Q When and where were you married to your wife? A Rusk County, Texas.

Q Were youmarried under a marriage license? A Yes sir.

Q By a minister or official? A By the Justice of the Peace Flem Garrison.

Q Have you got the marriage license and certificate with you? A No sir I aint' never seen'em, just handed them to him.

It will be necessary for you to furnish the Commission with evidence of the legal marriage of yourself and your wife. You can do that by furnishing the original marriage license and certificate or else you can furnish certified copies of the same.

Q Is your daughter Callie for whom you made application at Colbert, Indian Territory, on June 15, 1900, still a minor? A Well no sir, she will be twenty-two years old the 16h of February.

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Q She was under twenty-one at the the you made application at Colbert, on June 15, 1900? A Yes sir, I think Mr. Bixby required that she should be twenty-one.
Q These three daughters of yours are all single? A Yes sir.
Q Do you know of any other descendants of Tom Woodard your father or Mary Woodard who was a Minge? A No sir.
Q Then your family, yourself and your three daughters are the only blood relatives or only descendants of your father and mother that you know of? A Yes sir.
Q Is your name or the names of your children to be found on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No more than that we went before the Dawes Commission.
Q The Choctaw tribal authorities though have never enrolled you? A No sir not that O know of.
Q Neither you or your children? A No sir.
Q How long at one time did you ever live in the Indian Territory? A Not more than one month.
Q During that residence did you at any time go before the Choctaw tribal authorities and ask to be enrolled as a member of the Choctaw tribe of Indians? A No sir I don't know anything about this.
Q Have you at any time ever made application to the Choctaw tribal authorities to be enrolled as a member of the Choctaw tribe of Indians? A Yes that was June 1901.
Q You missunderstand the question; that was before the Dawes Commission, now did you ever go before any of the Choctaw tribal authorities, the Choctaw council? A No sir I did not know of any such council.
Q Did you or any one for you or your children or did any of your children make application to the Dawes Commission in the year eighteen hundred and ninety-six to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? No sir we did not know anything about the Dawes Commission until 1901.
Q You mean 1900 instead of 1901? A Yes sir 1900.
Q Have you or any of your children ever been admitted to citizenship or enrolled as members of the Choctaw tribe of Indians by either the Choctaw tribal authority, or the Dawes Commission or t the United States Court in Indian Territory? A No sir.
Q Did you go before the Commission at Colbert, Indian Territory, claiming rights in the Choctaw lands, in Indian Territory, under the provisions of the fourteenth article of the treaty concluded between the United States and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek, In Mississippi on the twenty-seventh day of September , eighteen hundred and thirty? A No sir I don't know nothing about that.
Q You are claiming your rights then now as a Mississippi Choctaw are you? A Yes sir I reckon so, I don't know about Mississippi I claim to be Choctaw.
Q Did you ever hear of this treaty that I have just told you about, this treaty of eighteen hundred and thirty? A Yes sir, I heard my father talk about it many times and heard him say that they promised the Indians this land as long as water ran and grass grew.
Q Do you claim the right to share in the lands of the Choctaw Nation, Indian Territory, under this treaty of eighteen hundred and thirty, that I have just mentioned to you? A Yes I reckon. Now I told you, I aint' educated and I don't know nothing about it, they said my mother brother and my people went around there from Alabama.
Q Do you claim the right to share in the lands of the Choctaw

Indians, Indian Territory, as a descendant of a Mississippi Choctaw? A Yes sir.

The provision of law empowering this Commission to hear applicants or persons claiming rights in the Choctaw lands, Indian Territory, is found in section twenty-one, of the act of Congress of June 28, 1898:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourten of the treaty between the United States and the Choctaw Indians, concluded September twenty-seventh, eighteen hundred and thirty and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

This treaty was entered into between the United Sates government and the Choctaw tribe of Indians on the twenty-seventh of September eighteen hundred and thirty at a place called Dancing Rabbit Creek in Mississippi. At that time the Choctaw tribe of Indians occupied a portion of the state of Mississippi and a small portion of the state of Alabama, lying along the Western boundry line. The object of the treaty was to secure the removal of the Choctaws from the country occupied by them in Mississippi and Alabama to a new country West of the Mississippi River, part of which is now occupied by the main portion of the Choctaw tribe of Indians. At the time the treaty was made, some of the Choctaws were unwilling to remove to this new Country West of the Mississippi River but preferred to remain in Mississippi in what constituted the old Choctaw Nation. For the benefit of that class of Indians the fourteenth article was put in the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simpleshall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The fourteenth article required that in case a Choctaw desired to remain in the old Choctaw Nation in Mississippi or Alabama, and receive land from the government under its provisions, he should within six months after the treaty was ratified, the treaty was ratified on the 24th day of February eighteen hundred and thirty-one, signify his intention to do so to the government Agent, that is he must let the government Agent know in some way that he desired to remain and take advantage of the provisions of this fourteenth article. Now, after a Choctaw had signified his intention to stay in the State, and become a citizen of the

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States and accept land under the provisions of this article he was entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; and for each child in his family, unmarried and over the age of ten, he was entitled to one half section or three hundred and twenty acres and for each child in his family under ten years of age he was entitled to one quarter section of one hundred and sixty acres of land.; the reservation of the children to adjoin the location of the parent and this reservation to include any improvements of the head of the family at the time the treaty was concluded, September twenty-seventh, eighteen hundred and thirty. By further provisions of this article this Choctaw was required to live on this land for five years from the time the treaty was ratified, that is five years from the 24th day of February eighteen hundred and thirty-one; he was then entitled to a grant in fee simple, that is he was entitled to a deed or patent from the government, granting him all right and title and interest in and to the land and thereupon he would have the right to dispose of this land at his pleasure. The last clause of this fourteenth article is as follows:

> "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That clause means that in case a Choctaw preferred to remain in the old Choctaw Nation, Mississippi or Alabama, become a citizen of the States and receive land under the fourteenth article, he would not, by so doing, forfeit his right to citizenship in the new Choctaw Nation, Indian Territory but he would forfeit any right which he might have to any portion of the Choctaw annuities. Annuities were moneys paid to and which beame due annually to the Choctaw tribe of Indians under treaties between the Choctaw tribe of Indians and the United States government.

Q Do you think you understand that article as read and explained? Not altogether.

Q Well what part is it that you do not understand that I may make further explanation? A I understand you to say that if an Indian took lands in Mississippi or Alabama that he had,--if he made that his home he had no right to the Territory.

Q I said that if he removed, after complying with the provisions of this article that he would still retain his right to citizenship in the Indian Territory, Choctaw Nation Indian Territory? A My father he went from Alabama to Arkansas and there he lived and bought him a place there and lived. If he has ever ben to Mississippi I don't know but he moved to Arkansas and bought him a home on on the Washita River and lived there.

Q You know what part of Alabama your father lived in? A Tuskegee, near Tuskegee.

Tuskegee is located in Macon County, Eastern portion of the state of Alabama.

Q Were your father and mother living in what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was concluded, September twenty-seventh, eighteen hundred and thirty? A Well I could not tell you sir, I was born in eighteen hundred and thirty-four and I don't know anything about it.

Q Were your father and mother recognized members of the Choctaw tribe of Indians in eighteen hundred and thirty at the time this treaty was made? A Yes I expect they were from the way he talked. I know the Indians stayed with him and hunted with him and stayed around there until he died.

Q Have you any proof of any kind that they were recognized members of the Choctaw tribe at that time? A Only what I heard him say.

Q All you know about that is from your family history? A That is all.

Q Did either your father or mother ever comply or attempt to comply with any of the provisions of the fourteenth article of this treaty which I have just read and explained to you? A Well I know my mother did not, I never seen her to know anything about her and I don't think my father did.

Q Did your father own any improvements at that time, by improvements I mean did he occupy any lands upon which he had improvements, had houses, buildings or fences around it, in eighteen hundred and thirty, in what constituted the old Choctaw Nation in Mississippi or Alabama? A I could not tell you.

Q You do not know? A No sir.

Q Did your father move from what constituted the old Choctaw Nation in Mississippi or Alabama to the New Choctaw Nation Indian Territory at any time between the years eighteen hundred and thirty-three and thirty-eight at the time the Indians moved to the Indian Territory? A No sir I know they did not move from Alabama to the Indian Territory.

Q Did either your father or mother ever claim or receive any land from the United States government under the provisions of this fourteenth article of the treaty? A Not as I know of.

In accordance with the provisions of this fourteenth article the government directed an agent in Mississippi to register the names of those Choctaws who might desire to remain in the old Choctaw Nation and become citizens of the States. The records of the government show that this agent failed to record and report to the government the names of many Choctaws who really did signify to him their intention to remain in Mississippi and take advantage of the provisions of article fourteen of this treaty. On this account in many instances, the land upon which the Indians had improvements and which they desired to have reserved for them under this fourteenth article, was sold by the government at its public land sales and the Choctaws were deprived of their land. This action of the government caused many complaints by the Choctaws and finally the matter was brought to the attention of Congress and Congress passed an act, which was approved March 3, 1837, providing for the appointment of a Commission, whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with article fourteen of this treaty but had not received land thereunder; by act of Congress of February 22, 1838 this Commission was continued until August 1, 1838/. This Commission was duly appointed by the President and went to the State of Mississippi and heard evidence in these Choctaw cases but in the time allowed by the act of Congress under which they were appointed they were able to hear only a comparatively small number. Prior to August 1, 1838 this Commission made a report of their work. Later Congress appointed another Commission by act approved August 23, 1842, this second Commission also had authority to hear cases of Choctaws claiming they had complied with the provisions of this fourteenth article but had never received their land. This second Commission was duly appointed by the President and went to Mississippi and heard a great many of these cases.

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Q Did either your father or mother appear before either of these Commissions appointed under acts of Congress of March 3, 1837 and August 23, 1842 and attempt to establish their rights under the fourtenth article of this treaty? A No sir not that I know of.

The act of Congress approved August 23, 1842 provided that in case it should be finally determined that a Choctaw had complied with all the requirements of this fourteenth article and that his land had ben sold by the government at these public land sales, he should be entitled to select land elsewhere in the States of Mississippi, Arkansas, Louisiana or Alabama, to be taken from vacant government lands and that a certificate to that effect should be given him. These certificates were called scrip.

Q Did either your father or mother ever receive any scrip from the government of the United States under this act of Congress? A I could not,tell you.

Q Did either your father or mother at any time after their removal to Arkansas go back to the old Choctaw Nation Mississippi or Alabama and appear before any of these Commissions and claim rights under this article of this treaty? A Not after I growed big enough to know anything they never did.

Q Do you know of the existence of any documentary evidence, such as deeds to lands or patents to lands that would tend to show that either your father or mother ever received any land as Choctaw Indians from the United States government under this fourteenth article? A No sir not that I know of.

Q So far as you know were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians? A No sir.

Q You understand that question do you; I mean were your father or mother ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians, at any time, in the old Choctaw Nation Mississippi or Alabama or the Choctaw tribe in Indian Territory? A I don't know.

Q You do not know? A No sir I don't know.

Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir not that I know of.

Q Do you know of any witnesses that you could bring before the Commission who could testify as to whether your father and mother ever complied with or attempted to comply with the provisions of the fourteenth article of this treaty? A No sir I don't know that I can bring any witnesses. That has been a long time, people that were witnesses then are dead now. I am sixty-eight myself and I know I could not find any witnesses.

Q Is there any written evidence that you want to file with the Commission at this time in further support of your application? A There is but one man who knows my father who is only as old as I am, Mr. Gans, and I believe you got that.

Witnesses reference is to the affidavit of Isaac Gans which was made a part of the record in this case on June 15, 1900.

Q Do you know of the existence of any written evidence that would tend to show that either your father or mother or both of them complied with or attempted to comply with the provisions of this article. I will explain this question; now, do you know of the existence of any papers that would show that your father or mother or both of them ever claimed any lands under this fourteenth article of this treaty? A No sir I do not.

Q Do you speak or understand the Choctaw language? A No sir I use to understand a little of it when I used to talk with them. I learned it in the States.

Q Did your father speak the Choctaw language? A Yes I heard him talk it many times.
Q Were you old enough to recollect whether your mother spoke the Choctaw language? A No sir I don't remember her at all.Of course there was some old people that knew her.
Q Is there any other statement that you want to make now in support of your application? A No sir I don't think there is. I have done all I could do. I have told you who my mother and father is and that is all that I could do and Mr. Gans is the only man living that I know of. If I had known it sooner I might have got some.
Q The Commission gave you thirty-five days notice of this rehearing and you think you have said all that you could say in support of this application at this time? A Yes I think I have said all I can say and tell the truth. My children can't say anything they don't know.
Q You desire the cases of your children considered with your case do you? A Yes sir.
Q And the evidence given by you to apply to their case? A Yes sir

This applicant has the appearance and features of a person of Indian descent. His appearance indicates that he may be possessed of the quantum of Indian blood claimed. Complexion, color of hair and eyes indicate that he is a person of Indian descent. He does not speak or understand the Choctaw language at this time,, claims to have had a limited knowledge of it in his youth. He has no knowledge of compliance on the part of his mother or father, through whom he claims his right as a Mississippi Choctaw, with any of the provisions of the fourteenth article of the treaty of eighteen hundred and thirty.

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Examination by L. P. Hudson, who appears specially in this case in the interest of J. O. Poole, attorney of record for the applicants in these cases.

Q Mr. Woodard do you remember when the United States census was taken in Texas, this last one? A Yes sir it was taken I think in nineteen hundred.
Q You remember the taking of the Census? A Yes sir.
Q Was there a separate census taken at that time of the whites, negroes and Indians in your locality? A That is what Mr. Buck told me, that he had to takethem separately.
Q Were you and your children listed at that time as Whites, Blacks or Indians? A He said we was the only full blood Choctaws that he tackled in his whole round.--Yes sir, the gals here heard him say that the only four Indians listed on his route.
Q Now Mr. Woodard in answer to a question asked you by the Commission you said that you knew your mother never complied or attempted to comply with the provisions of article fourteen of the treaty of eighten hundred and thirty. You also stated at the same time that you knew nothing of her. Now you do not know that she did not make any attempt to comply with the fourteenth article of this treaty of eighten hundred and thirty? A Well I just did not know what I was talking about really. I did not understand the question.
Q Now as a matter of fact you don't know anything about that? A No sir I don't know.

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By the Commission

The question asked by the Commission was with the view of ascertaining if within his knowledge from his family history that his father or mother ever went from the State of Arkansas back into the State of Mississippi and appeared before any of these Commissions and made an attempt to establish any rights they might have had under the fourteenth article of this treaty as subsequent questions and answers show.

By Mr. Hudson.

Q Mr. Woodard, where you have lived during your life time, have you been considered by the people residing in the community as a white man or Indian? A An Indian all my life.
Q Were you ever recognized by the people in the community as anything else? A No sir, lawyers and Doctors and all told me that I am an Indian.
Q You have no colored blood in you? A No sir not from what my father said, that my mother was a full blood Choctaw Indian and he was a half blood, half Indian and half white.

Here attorneys for this applicant present him for the purpose of cross-examination by the attorneys for the Choctaw Nation and ask that upon their failing to appear and proceed with this cross-examination that a default be entered against said Choctaw Nation in this case.

W I T N E SS Excused.

Mary Woodard called as a witness duly sworn testified as follows:

Examination by the Commission

Q What is your name? A Mary Woodard.
Q How old are you? A I was twenty-six the 19th of November.
Q What is your post office address? A Elderville, Texas.
Q Are you a daughter of Louis W. Woodard who has just testified in this case? A Yes sir.
Q Did you on June 15th 1900, appear before this Commission at Colbert, Indian Territory, and make application for identification as a Mississippi Choctaw? A I did.
Q Do you desire the evidence given by your father in his case to be considered as evidence in your case? A Yes sir.

This applicant has dark brown hair, brown eyes, and her physical features and appearance are those of a person of Indian descent.

Q Do you speak or understand the Choctaw language? A No sir.

W I T N E S S Excused.

Lizzie Woodard called as a witness duly sworn testified as follows:

Examination by the Commission.

Q What is your name? A Lizzie Woodard.
Q How old are you? A Twenty-four.
Q Are you a daughter of Louis W. Woodard who has just testified

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in this case? A Yes sir.
Q Do you speak or understand the Choctaw language? A No sir.
Q Did you appear before the Commission at Colbert, Indian Territory on June 15, 1900 and there make application for identification as a Mississippi Choctaw? A Yes sir.
Q Are you the same party? A Yes sir.
Q You desire the evidence just given by your father Louis W. Woodard considered as evidence in your case? A Yes sir.

This applicant has dark brown hair, dark brown eyes, has the physical features and appearance of a person descended from Indian parentage.

W I T N E S S Excused.

Louis W. Woodard recalled testified as follows:

Examination by the Commission

Q In the direct examination, Mr. Woodard there was a statement made by you at the time you made your application at Colbert, June 15, 1900, your attorney Mr. Poole made this statement to the Commission;" I ask permission to refer you to show that his grandfather on his mother's side taken advantage of the fourteenth article of the treaty of eighteen hundred and thirty, American Sate Papers of Congressional records of the public lands volume VII page 54."Did you in your life time ever know either your mother's father or mother? A No sir.
Q Or your mother's grandfather? A No si r I never seen him.
Q Was it ever claimed by you or any member of your familythat any of your foreparents ever received any lands from the United States government under the treaty of eighteen hundred and thirty? A No sir I never heard of such a thing.
Q Did you know any one of your mother's family either her father or grandfather? A No sir I never knew her and never seen none of her fold except her brother Mingo.
Q Have you any knowledge from your family history or from any papers that they might have had, or might have been in your family that any of your mother's people ever took any land from the United States government as Choctaw Indians? A No sir, never have had and never heard of such a thing.

On page 54, volume VII American State Papers the following record is found:

NO. 1.-FORM OF A RETURN.

Names of Indians owning farms.	No. of Acres Cultivated	Entire No. of family	Males over 16 years	Males and females under 10 years	Locality of farms.	Total No. of Acres	General Remarks
Mingo	5	4	1	1	Tallahatta Creek, west side, on Military road.	------	

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Q The name Mingo that your mother had she got from her father? A Yes; that is what my father said, that she was a Mingo and she had a brother named Mingo.
Q You knew this uncle of yours did you? A Yes sir; I hunted with him when he was drunk and got shot.
Q How old was this uncle of yours at the time of his death? A Well, I really don't know. He was about grown when I remember him. I hunted with him when I was a boy about grown.
Q You know in what year he was killed? A I think it was about fifty-eight or fifty-nine.
Q Was he a grown man then? A Yes sir.
Q How old do you think he was, twenty-five, thirty or fifty? A Fully thirty years old.
Q Where did he die, where was he killed? A In Rapidees Parish, Louisiana, near Alexandria, there is a place called Pine Bluff and he went there and had some whiskey and they afterwards found him along side of the road about two miles from town, shot.
Q Did this uncle of yours always live with your family? A Yes, he always stayed right there with us.
Q Do you know whether he moved to Arkansas with your family or not? A He came there with my father, he and a lot more.
Q Did your father own any land in Arkansas or Louisiana? A He owned it in Arkansas. He sold the place. He worked about one-hundred hands.
Q How did he come into possession of this land; did he get it from the United States government or buy it? A I could not tell you.
Q You know about how many acres he had? A I don't know.
Q You say he worked one-hundred hands? A Yes sir.
Q It would take a great deal of land to keep that many hands occupied? A Yes sir, he had a heap of land.
Q Then so far as you know neither your mother or any of her fore-parents ever received any land from the United States government as Choctaw Indians? A No sir not that I know of, never heard of such a thing.
Q Then you have no proof to offer that they ever received land from the United States government as Choctaw Indians? A No answer.

Here attorney for applicant asks for leave to take the deposition of Isaac Gans as soon as the same can be procured and placed in this record in place of the affidavit made by him, believing that the affidavit will not be considered and given the weight that will be given to the deposition.

Commission:

Do you specify any time in which to file this deposition?

By attorney Hudson:

We will make the affidavit at once and file the interrogatories with the Commission at once.

Attorney for applicant offers to submit the deposition in this case at any time that it may be required by the Commission or the Secretary of the Interior if they desire the same in lieu of the affidavit already in the record.

Commission:

It is the purpose to close this case at as early a date as possible. The Commission will grant thirty days for the taking of the deposition of this party.

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By Attorney Hudson:

In view of the desire of the Commission to close this case at as early a date as possible the taking of this deposition is hereby waived.

G. Rosenwinkel having been duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled consolidated case, on December 21, 1901, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of December 1901.

G. Rosenwinkel

Subscribed and sworn to before me this 14th day of February 1902.

Clara Mitchell Wood
Notary Public.

FOR IDENTIFICATION
MISSISSIPPI CHOCTAW

Louis Woodward
Et-al

Consolidated

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lewis Woodard, et al., for identification as Mississippi Choctaws, consolidating the records of:

Lewis Woodard, et al.,	M.C.R.	78
Mary Woodard,	M.C.R.	79
Lizzie Woodard,	M.C.R.	80

List of papers forwarded to the Secretary of the Interior with the record in the above consolidated case, together with the page occupied by each in said record.

	Page
Original application of Lewis Woodard, et al., to the Dawes Commission for identification as Mississippi Choctaws,	1
Written petition of Lewis Woodard, addressed to the Dawes Commission	4
Affidavit of Lewis Woodard in support of said petition	5
Affidavit of Isaac Gans	6
Affidavit of Edwin A. Taylor	7

Affidavit of W. J. Blackburn 8

Affidavit of Harvey J. Butts 9

Decision of the Commission denying the application of Lewis Woodard et al., for identification as Mississippi Choctaws 10

Copy of letter of the Commission to Lewis Woodard transmitting the above decision 12

Registry receipt 12 A

Original application of Mary Woodard to the Dawes Commission for identification as a Mississippi Choctaw 13

Written petition of Mary Woodard addressed to the Dawes Commission 13

Affidavit of Mary Woodard in support of said affidavit 16

Affidavit of Isaac Gans 17

Affidavit of Edwin A. Taylor 18

Affidavit of W. J. Blackburn 19

Affidavit of Harvey J. Butts 20

Original application of Lizzie Woodard to the Dawes Commission for identification as a Mississippi Choctaw 21

Petition of Lizzie Woodard to the Dawes Commission 23

Affidavit of Lizzie Woodard in support of said petition 24

Affidavit of Isaac Gans 25

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Affidavit of B. A. Taylor 26

Affidavit of W. J. Blackburn 27

Affidavit of Harvey J. Butts 28

Decision of the Commission denying the application of Lizzie Woodard for identification as a Mississippi Choctaw 29

Copy of letter of the Commission transmitting the above decision 31

Registry receipt 31 A

Written appearance of Chester Howe as attorney for Lizzie Woodard 32

Copy of letter of the Secretary of the Interior dated June 10, 1901 addressed to the Dawes Commission remanding the application of Lizzie Woodard for further hearing. 33

Copy of letter of the Commission to the Commissioner of Indian Affairs notifying him of the rehearing to be had in the consolidated applications of Lewis Woodard, et al. at Muskogee, I.T. December 21, 1901 35

Letter of the Commission to Mansfield, McMurray & Cornish, of like import 36

Letter of the Commission to J. O. Poole of like import 37

Copy of letter of the Commission to Lewis Woodard, of like import 38

Copy of letter of the Commission to Lizzie Woodard, of like import 40

Copy of letter of the Commission to Mary Woodard, of like import 41

Transcript of the proceedings had at the re-hearing in Muskogee, I.T. December 21, 1901 40

Final decision of the Commission denying the applications of Lewis Woodard, et al., for identification as Mississippi Choctaws. 57

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

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In the matter of the application of Louis Woodward for the enrollment of himself and child as Mississippi Choctaws; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Louis Woodward.
Q How old are you? A 66.
Q What is your post office address? A Durant, I. T.
Q How long have you lived at Durant? A I came there the first of this month.
Q Where did you come from? A From Texas.
Q How long had you lived in Texas? A 27 years.
Q Where did you move from to Texas? A Washtaw, Arkansas.
Q Have you ever lived in Mississippi? A No, sir, when I came to Arkansas I was about a year old, but when I got big enough to know we were in Arkansas.
Q Do you know where you were born? A In Alabama.
Q What is the name of your father? A Toom Woodward.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian? A Yes, sir, he was a half breed.
Q Was he ever on the Tribal rolls of the Choctaw Nation? A I don't know whehher he was or not.
Q Was he ever recognized by the Tribal authorities of the Choctaw Nation as an indian? A I don't know, he kept the Choctaw Indians around him until he died, he had them in the woods with him, and that is how he got his venison.
Q What is the name of your mother? A Mary.
Q Is she living? A No, sir, she died about 4 years ago.
Q Was she a Choctaw indian? A Yes, sir, a full blood.
Q What proportion of Choctaw indial blood do you claim to have?
A My father was half and my mother was full.
Q You would be about 3/4 then, would you? A Yes, sir.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir.
Q Have you ever been recognized by the tribal authorities as a Choctaw Indian? A You must have to tell me, I don't know what you mean by that.
Q Did the Choctaw Commissioners or the Choctaw legislature ever recognize you as a Choctaw Indian? A I never was before them, I have been recognized by them all my life.
Q That is your friends and neighbors? A Indians, full bloods, no friends and neighbors about it.
Q You claim to be a Mississippi Choctaw, do you? A Yes, sir.
Q Under which treaty do you claim? A Under the treaty of 1830.
Q Do you claim under any particular article of the Treaty of 1830?
A Well, you will have to tell me what that is.
Q The treaty is divided up into different articles, different paragraphs, and each paragraph is given a number and called article 1, article 2, and so on? A I don't know anything about 1830, because I have heard my parents take about that, and that is all I can talk about.
Q You don't know which particular article you do claim under?
A Well, 1830, I claim under.
Q That is the date of the treaty, that is the year in which the treaty was negotiated, that isn't the name of any particular article.
A I don't know anything about that.
Q You don't know whether you claim under the 14th or 15th or 16th article? A No, sir, I don't know anything about that.
Q Did you ever take advantage of the provisions of the 14th article of this treaty? A I don't know what that is, you will have to tell, advantage.
Q Did you ever derive any benefits from the 14th article of this

treaty? A No, sir, I never did.

Q Did any of your ancestors? A Not that I know of.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of this treaty? A No, sir.

Q Did any of your ancestors? A No, sir, not that I know of, I know my mother didn't, and my father and mother both died, they lived in Arkansas.

Q You have no wife living? A No, sir.

Q What was the name of your wife? A Ann Carter.

Q Where did you marry her? A In Gregg County, ~~Alabama~~ Texas.

Q You remember what year? A I married in December, 1874.

Q Was your wife a white woman? A Yes, sir, her father was a white man and her mother claimed to be a Choctaw indian, but I don't know an thing about that, but she was white as anybody, and she was bred and born at Holly Springs, Miss.

Q Do you wish to offer your marriage license and certificate in evidence? A My license I haven't seen it since I married, I gave it to the justice of the peace when he married me, I have got some papers here.

(Affidavit of Isaac Gans, affidavits of Edwin A. Taylor, W. J. Blackburn, and Harvey J. Butts, and the statement of Louis Woodward offered in evidence and marked exhibit A and placed on file.)

By J. A. Poole, attorney: Mr. Woodward, what was your grandfather's name, on your mother's side? A Mingo.

Q Where did he reside? A He left Mississippi and left my mother there, he left my mother in Alabama and I don't know where he went, he went out with the indians.

Q Was he a Mississippi Choctaw indian? A Yes, I suppose so.

(Mr. Poole: I ask permission to refer you to show that his grandfather on his mother's side taken advantage of the 14th article of the Treaty of 1830, American State Papers, the Congressional Record of the Public Lands, Vol. 7, page 54.)

Commissioner Bixby: Was that all of his name, Mingo? A That is all I ever heard my mother talk about, she had a brother that lived with her until I was grown and his name was Mingo and she said that was what her father named her, Mingo.

Q Do you know of your own knowledge that your ancestors have received any land? A All I can tell you, when I left Alabama they said I was about a year old, and when I got a good sized boy they were living in Arkansas, and if they received any land it is more than I know.

Q Did you ever see the original patent granting lands to your mother's father? A Never have.

Q You haven't a copy of the original patent or a certified copy? A I haven't got nothing, I don't know anything about this Commission until last year, and my children had the measles is why I didn't come up last year; I never heard of it until then.

Q What is the name and age of your child? A Callie Woodward, she is 20.

The Commission is unable from the testimony in this case to identify you or your daughter as Mississippi Choctaws. The decision of the Commission stating more fully why it is not possible to identify you and your daughter as Mississippi Choctaws claiming under the provisions of the Act of Congress of June 28, 1898, will be furnished to you in writing and mailed to your present post office address.

—o—

Louis Woodward - 3

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

C.r.W.
Wm. O.B.

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of Lewis Woodard, et al., for identification as Mississippi Choctaws, consolidating the applications of

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

-------D E C I S I O N -------

The record in the above consolidated case shows that there were originally, three applications made separately, by the parties named, at the times and places herein set forth, to wit:

In the matter of the application of Lewis Woodard for the identification of himself and his minor child, Callie, Woodard, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Mary Woodard for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Lizzie Woodard for the identification of herself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

While these several applications have been consolidated and are to be considered together as a whole, yet in view of the varied proceedings had in each, it will be necessary to consider them, in a measure, separately.

Taking them in the order above named, we find from the record in the case of Lewis Woodard, that on June 15, 1900, the said Lewis Woodard appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his minor child, Callie Woodard, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek" The principal applicant claims descent from Toom Woodard, an alleged half blood Choctaw, who married Mary Woodard, a full blood Choctaw, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Lewis Woodard, and his minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress of June 10, 1896(29 Stats. 321.)

The evidence offered in support of this application,

aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Isaac Gass, Edwin A. Tayler, W. J. Blackburn and Harvey J. Butts. By the oral statement of the principal applicant it is attempted to be shown that he was born in Alabama in about the year 1834, and that for two weeks prior to the making of his original application had been a resident of Indian Territory, and claims to be a three quarters blood Choctaw. He attempts to trace his alleged Choctaw descent through his parents to his maternal grandfather, who he states, was named Mings, and who he claims, left Mississippi with the Indians and that at the time of the removal of his said grandfather, his own mother was still a resident of Alabama, where she remained until a year after the birth of this applicant, at which time she removed to the state of Arkansas There is nothing in the oral statement of the principal applicant which tends to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits filed herewith it is attempted to be shown that affiants are acquainted with the principal applicant, who, they allege, is possessed of Choctaw blood and who is the son of one Thomas Woodard, who affiants allege, was possessed of Choctaw blood. Affiants further state that they are acquainted with the family of the said Lewis Woodard and his wife, and allege same to be three girls, to wit: Mary, Lizzie and Callie Woodard. There is nothing in the affidavits filed herewith which tends to show that any of the alleged Choctaw ancestors of the principal applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in

Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the principal applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by him.

Note. It appears from the transcript of the proceedings had at the making of the original appli ation of Lewis Woodard, that his name was spelled "Louis Woodward", but it appears from the petition of the principal applicant, which is signed by him and also from the evidence filed in his application, that his name is "Lewis Woodard." It further appears from the transcript of the proceedings had at the making of his original application, that the name of the principal applicant's father was given as "Toom Woodward", but it appears from the petition of the princi pal applicant that his father's name was "Tom Woodard".

The next in order of the above applications is that of Mary Woodard, and the record therein shows that on June 15, 1900, the said Mary Woodard appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". She claims descent from Lewis Woodard, an alleged three quarters blood Choctaw, who married Ann Woodard, and who the applicant alleges "claimed to be part Indian", and who are the parents of this applicant.

The record in this case further shows that the applicant, Mary Woodard, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes or by a decree of the United States Court in Indian Territory, under

the provisions of the act of Congress of June 10, 1896(29 Stats.321)

The evidence offered in support of this application , aside from the oral statement of the applicant, embraces the ex parte affidavits of Isaac Gans, Edwin A. Taylor, W. J. Blackburn and Harvey J. Butts. By the oral statement of the applicant, it is attempted to be shown that she was born in the state of Texas in about the year 1876 and that for two weeks prior to the making of her original application, she had been a resident of Indian Territory, and claims to be possessed of Choctaw blood, but it cannot be determined from her statement the exact degree of which she claims to be possessed. She does not attempt to trace her alleged Choctaw descent any farther back than to her father, and there is nothing in her statement which would tend to show that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits filed herewith it is attempted to be shown that affiants were acquainted with one Lewis Woodard for many years and knew him to be the son of one Thomas Woodard, and that the said Lewis Woodard and his father were possessed of Choctaw blood. Affiants further aver that they are acquainted with the family of Lewis Woodard and his wife, and that same is composed of three girls towit: Mary Woodard, Lizzie Woodard and Callie Woodard, the first of whom is presumably the applicant herein. There is nothing in these affidavits which would tend to show that any of the alleged Choctaw ancestors of this applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they complied or attempted to comply

with the provisions of article fourteen of the treaty of 1830. There is filed herewith the written petition of the applicant, but it cannot be considered as evidence as it is simply a statement of the facts expected to be proven by her.

Note--It appears from the transcript of the proceedings had at the making of the original application of Mary Woodard, that her name was spelled "Mary Woodward" and that her father's name was spelled "Louis Woodward", but it appears from the applicant's petition, which is signed by her, and from the ex parte affidavits filed with her application, that her name should be "Mary Woodard" and her father's name "Lewis Woodard".

The last in order of the above applications is that of Lizzie Woodard, and the record therein shows that on June 15, 1900, the said Lizzie Woodard appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830 and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek". She claims descent from Lewis Woodard, an alleged three quarters blood Choctaw, who married Ann Woodard, who the applicant alleges, was a white woman, and who are the parents of said applicant.

The record in this case further shows that the applicant Lizzie Woodard, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is her name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has she ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under

the provisions of the act of Congress of June 10, 1898(29 Stats.321)

The evidence offered in support of this application, aside from the oral statement of the applicant, embraces the ex parte affidavits of Isaac Gann, Edwin A. Taylor, W. J. Blackburn and Harvey J. Butts. By the oral statement of the applicant, it is attempted to be shown that she was born in the state of Texas in about the year 1877, and that at the date of the making of her original application, she was a resident of Indian Territory, but it does not appear from her testimony how long she had resided there. She does not attempt to trace her alleged Choctaw descent any farther back than to her father, and it does not appear from her testimony that any of her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians in that state, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavits filed herewith, it is attempted to be shown that affiants were acquainted with one Lewis Woodard and with his father Thomas Woodard, and aver that they were Choctaw Indians by blood. Affiants further aver that they are acquainted with the family of the said Lewis Woodard, and his wife, and that same is composed of three girls, to wit: Mary, Lizzie and Callie Woodard, the second of whompresumably being the applicant herein. There is nothing in said affidavits which tends to show that any of the alleged Choctaw ancestors of this applicant were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. There is filed herewith the

written petition of the applicant, but it cannot be considered in evidence, as it is simply a statement of facts expected to be proven by her.

> Note--It appears from the transcript of the proceedings had at the date of the making of the original application of Lizzie Woodard, that her name was spelled "Woodward" and that her father's name was spelled "Louis Woodward" but it appears from her petition, which is signed by her, and from the ex parte affidavits filed in her application, that her name should be spelled "Lizzie Woodard" and her father's name "Lewis Woodard"

The record in this case shows that on September 8, 1900, there was forwarded by the Commission to Lizzie Woodard, a written decision refusing the application she had made for identification as a Mississippi Choctaw, and on March 1, 1901, a written decision was forwarded by the Commission to Lewis Woodard, refusing the application which he had made for himself and his minor child as Mississippi Choctaws. On December 3, 1900, the record in the case of Lizzie Woodard was forwarded to the Secretary of the Interior. On June 10, 1901, the Secretary of the Interior remanded to this Commission the record therefore forwarded to him, in the case of Lizzie Woodard, for further hearing.

In accordance with the instructions of the Secretary of the Interior the Commission to the Five Civilized Tribes, on November 15, 1901, notified Lizzie Woodard, the applicant in the case so remanded, and also Lewis Woodard and Mary Woodard, who had applied for identification as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not therefore been forwarded to the Secretary of the Interior, that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on December 21, 1901, at nine o'clock A. M., there would be heard the testimony of such witnesses as might present themselves in behalf of said applicants. Notice was at the same time given to

the attorneys of record for said applicants, and to Messrs. Mansfield McMurray & Cornish, Attorneys for the Choctaw and Chickasaw Nations.

On December 21, 1901, at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, this case was called for hearing and the applicants all appeared in person, and by L. P. Hudson, who made special appearance on behalf of J. O. Poole, the attorney of record for the several applicants. No appearance was made on behalf of the Choctaw and Chickasaw Nations. At this re-hearing the three applicants gave testimony in their own behalf and asked that whatever testimony they might give should be considered in connection with all the applications herein. By the testimony of Lewis Woodard, the principal applicant in this group of consolidated cases, it is attempted to be shown that he is the father of the other applicants herein, and that he himself was born in Alabama in about the year 1834, and that his parents had three children older than himself. He alleges that his father's name was Tom Woodard and his mother's maiden name Mary Mingo, that his father was possessed of half Choctaw and half white blood and that his mother was a full blood Choctaw woman, and the daughter of one Mingo. There is nothing in the applicant's testimony which tends to show that any of his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities in Mississippi as members of the Choctaw tribe of Indians in that state, or that they complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. The evidence given by the other applicants herein is simply to the effect that they are the daughters of the principal applicant, and that their claim to Choctaw blood is derived simply through their father. It further appears from the record of the re-hearing, that reference was made to Page 54,

Volume 7, American State Papers, wherein it is claimed that the name of the alleged grandfather of the principal applicant, Mingo, is found, and from an examination of said record, it is found that the name of one Mingo appears on Page 54, of Volume 7, American State Papers, in a list of names of Choctaw Indians, heads of families, who resided in Ni-ta-aha-chi's District, in the territory occupied by the Choctaw Indians in the states of Mississippi and Alabama, and who at the making of the treaty of "Dancing Rabbit Creek" had land in cultivation, in exchange for which they were to receive stipulated tracts of land, in accordance with the provisions of article nineteen of said treaty. The record above referred to in no way relates to or shows any compliance or attempted compliance on the part of the person therein named, with the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

The Commission in view of the fact that these applicants have had sufficient time in which to present their testimony, considers this case as closed, and the only evidence offered in support thereof consists of the oral statements of the several applicants given at the date of the making of their applications, the several affidavits filed by them and the oral statements given at the re-hearing on December 21, 1901. By said testimony it is attempted to be shown that Lewis Woodard, the principal applicant in this group of consolidated cases, is the father of all the other applicants herein and that he derives his alleged Choctaw blood from his parents, and he attempts to further trace his alleged Choctaw descent to his maternal grandfather, Mingo. From the testimony given by the principal applicant herein at the re-hearing had on December 21, 1901, it is conclusively shown that his parents were married and the heads of a family in 1830, he himself having been

born in 1834 and there being three children in his parents' family who were older than himself, therefore, in order for these applicants to be identified as Mississippi Choctaws, they must show that the father of the principal applicant(who was a Choctaw head of a family) was a resident of the old Choctaw Nation in Mississippi and Alabama in the year 1830, and was a recognized member of the Choctaw tribe of Indians at that time, and that he complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, and they will not be permitted to attempt to trace their alleged Choctaw descent to a more remote common ancestor than the said father of the principal applicant herein, and even if it were conclusively shown(which however is not done) that Minge, the alleged father of the principal applicant's mother, complied or attempted to comply with the provisions of article fourteen of the treaty of 1830, such compliance on his part could in no way benefit these applicants, for the reason, as before stated, that the principal applicant's parents, both of whom he claims were Choctaws, were married and the heads of a family in 1830, and must themselves have complied with the provisions of article fourteen of said treaty It does not appear from the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of 1830, that any person bearing the name of Tom (or Thomas) Woodard, or Mary Woodard, the alleged parents of the principal applicant herein and who are shown to have been married in 1830, ever signified his or her intention to Colonel Wm. Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented his or her claim as a beneficiary under said article to either of the Commissions duly authorized by the acts of Congress of March 3, 1837

and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898(30 Stats. 496) is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard, Callie Woodard, Mary Woodard and Lizzie Woodard, as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Commissioners

Muskogee, Indian Territory

MAY 13 1902

(COPY)

Land
30120--1902.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, May 24, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of June 10, 1901, (I.T.D. 1738--1901) there is enclosed herewith a report from the Acting Chairman of the Commission to the Five Civilized Tribes dated May 16, 1902, forwarding for the Department's consideration the record in the consolidated Mississippi Choctaw case of Lewis Woodard, et al. The parties to this consolidated case apply for identification as Mississippi Choctaws claiming rights in the Choctaw lands under article 14 of the treaty of 1830, and are as follows, to wit:

Lewis Woodard, et al.,
Mary Woodard,
Lizzie Woodard.

The parties to this consolidated case attempt to trace their descent from one Mingo, alleged father of Mary Woodard, nee Mingo, who married Tom or Thomas Woodard an alleged half blood Choctaw Indian. Tom Woodard and Mary Woodard, nee Mingo, are the parents of Lewis Woodard, the principal applicant in this consolidated case. Lewis Woodard, the record shows, was born July 20, 1834, and that his parents had three children older than him, to wit: Melinda, Manda and Alfred. It is more

that probable, therefore, that the parents of Lewis Woodard, to wit: Tom and Mary Woodard, were the head of a family September 27, 1830. If this be true these applicants should, under the Department's holding in the Susan S. Burton, et al., case, March 14, 1902, (I.T.D.1596) be required to trace their descent from said Tom and Mary Woodard.

The Commission held that the parties to this consolidated case were nat entitled to identification as Mississippi Choctaws: The decision of the Commission is undated:

A careful search of the records of the office has been made and no record has been found showing that Tom or Thomas Woodard or Mary Woodard or Mary Mingo complied or attempted to comply with the provisions of the 14th article of the treaty of 1830. Under the holding of the Department in the Susan S. Burton case these applicants are not entitled to identification.

Search of the records of the office has also been made for "Mingo" the alleged father of Mary Woodard, nee Mingo. The records show one Mingo who had 12 in family, another Mingo who had one in family and another Mingo who had 4 in family. This last mentioned Mingo is probably the one whose name appears on page 54 of volume 7 American Statepapers and to which the Commission has invited attention. The entry in this case is as follows:

Office No.	Chief's District	Page	Names of claimants	Name of Company	No. in family	No. over 10 years	No. under 10 years	Art. of treaty cld. under	Locality
	Nitachachee	15							
	"		Mingo	Captn Big Axe's	4				Tallahata C.W.Side on My. road

The records of the office show that one Mingo who had five in family first drew rations in the Indian Territory April 24, 1833; that another Mingo who had one in family first drew rations in said Territory February 2, 1832; and that another Mingo who had seven in family first drew rations in the Indian Territory December 16, 1832. Under the Department's holdings above referred to these people have no right to show a compliance with the treaty on the part of Mingo for the reason that Thomas Woodard was in all probability the head of a family September 27, 1830, and inasmuch as they had attempted to trace their descent from said Mingo the office has deemed it advisable to lay the facts as they appear from the records before the Department. The records do not show that the Mingo of Big Axe's company complied with the provisions of the 14th article of the treaty, neither do they show that either of the other Mingos above mentioned complied with said provisions.

The Department having held that where an ancestor nearer than the most known remote ancestor was the head of a family at the date of the treaty it seems that these parties should

have traced their ancestry to Tom and Mary Woodard, and that the decision of the Commission in rejecting the applicants is correct. It is therefore respectfully recommended that said decision be affirmed, unless the Department should consider that the decision should be dated, in which case it should be returned to the Commission.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

G. A. W. (S)

(COPY)

D.C. 10171

DEPARTMENT OF THE INTERIOR. J.W.H.
CMR

Washington.

I.T.D. 3295-1902.
L.R.S.

June 16, 1902.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

May 16, 1902, you transmitted the record in the application for identification as Mississippi Choctaws, of Lewis Woodard for himself and his minor child, Callie Woodard: of Mary Woodard for herself; and of Lizzie Woodard for herself.

Applicant Louis Woodard alleges that his father was Tom Woodard, a half blood Choctaw, and that his mother was Mary Mingo, a full blood Choctaw woman, whose father's name was Mingo. The other applicants are the daughters of the said Louis Woodard. All claim the said Mingo as their common ancestor. It appears, however, from the testimony of Louis Woodard, that he was born in 1834 and that he was the fourth child of Tom and Mary Woodard. It is thus more than probable that they were the heads of a family during the six months subsequent to September 27, 1830. This view is corroborated by the fact that the record shows that Tom Woodard must have been about 48 years old at the time of the treaty of Dancing Rabbit Creek. Therefore, there can be no valid claim on the part of these applicants, unless it rests upon their descent from Tom and Mary Woodard, rather than from Mingo. Forthermore, while it is true that several Choctaws of the name of Mingo did avail themselves of the benefits of the

treaty of September 27, 1830, the record does not show that any one of them was the identical Mingo whom these applicants claim as their common ancestor.

In your decision, without date, you refused the applications, and the Acting Commissioner of Indian Affairs forwarded said decision on May 24, 1902, recommending that the same be approved.

The whole record fails to show that any one of the applicants was ever duly admitted to citizenship in the Choctaw Nation, or that the alleged ancestors, Tom, or Thomas Woodard or Mary Woodard, or Mary Mingo, ever complied or attempted to comply with the provisions of article fourteen of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

The department, upon review of the whole case, approves your action, and your decision is affirmed.

Copy of the Acting Commissioner's report is enclosed.

Respectfully,

Thos. Ryan.
Acting Secretary.
E.M.D.

1 enclosure.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Louis Woodward
et al.

MCR
#78

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Louis Woodward for the identification of himself and his minor child, Callie Woodward, as Mississippi Choctaws.

D E C I S I O N .

The record in this case shows that Louis Woodward appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of himself and his minor child, Callie Woodward, as Mississippi Choctaws.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evedence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled torights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Com-

mission that the application for identification of Louis Woodward for himself and for his minor child, Callie Woodward, as Mississippi Choctaws, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, FEB 2 1911

Department of the Interior.
Commission to the Five Civilized Tribes.

In the matter of the application for identification as Mississippi Choctaws of Lewis Woodard and his minor child heard at Colbert, I. T., June 16, 1900, M. C. R. 78.

In the matter of the application for identification as a Mississippi Choctaw of Mary Woodard, heard at Colbert, I. T. June 15, 1900, M. C. R. 79.

In the matter of the application for identification as a Mississippi Choctaw of Lizzie Woodard, heard at Colbert, I. T. June 15, 1900, M. C. R. 80.

Lewis Woodard, the principal applicant who is the father of all the other applicants applies for identification as a Mississippi Choctaw, claiming as the son of Tom or Thomas Woodard, who was possessed of one half Choctaw Indian blood and who married Mary Mingo, a full blood Choctaw woman.

The following descendants of Tom or Thomas Woodard and Mary Mingo appear of record as applicants for identification as Mississippi Choctaws:

Lewis Woodard and his children. ---------- Mary Woodard, Lizzie Woodard, Callie Woodard.

Lewis Woodard, the principal applicant on oral examination testifies that he is 66 years of age, was born in the State of Alabama; his family moved to Arkansas when he was about a years old; that he lived in the State of Texas about 27 years and moved to the Indian Territory about June 1, 1900; that he is the son of Tom Woodard who is a half blood Choctaw Indian and his wife Mary Mingo, who was a fullblood Choctaw.

Applicants in support of their applications have filed the affidavits of Isaac Gans, Edwin A. Tayler, W. J. Blackburn and Harvey J. Butts, all of similar purport as follows:

"That they knew the said Lewis Woodard to be a Choctaw Indian by blood and never heard the same denied by any person."

W. J. Blackburn in his affidavit also testifies that he "knew Thomas Woodard, the father of Lewis Woodard and that said Thomas Woodard was a Choctaw Indian by blood"

The principal applicant in support of the claim of Indian blood derived from his mother Mary Mingo testifies as follows:

Examination by J. A. Poole, Attorney:

Q Mr. Woodard what was your grandfather's name on your mother's side? A Mingo.

Q Where did he reside? A He left Mississippi and left my mother there; he left my mother in Alabama and I dont know where he went; he went out with the Indians.

Q Was he a Mississippi Choctaw Indian? A Yes I suppose so.

MR. POOLE: I aks permission to refer younte show that his grandfather on his mother's side taken advantage of the 14th

article of the treaty of 1830, American State Papers and Congressional Records of the public lands, Volume seven page 54.
COMMISSIONER BIXBY: Was that all his name - Mingo? A That is all I ever heard my mother talk about; she had a brother that lived with her until I was grown and his name was Mingo and she said that was what her father named her - Mingo."

The following record is found in volume 7 page 54 American State Papers under caption number 1 form of return location under the Choctaw Treaty:

Names of Indians owning farms.	No. acres claimed	Entire number family	males over sixteen years	males under ten years	Locality of farm.
Mingo	5	4	1	1	Tallahatta Creek, west side on Military Road.

No evidence oral or documentary is offered to show that the principal applicant's mother, Mary Mingo is a direct descendant of the Mingo whose name appearsin the list of Indians claiming under the Treaty of 1830 as recorded on page 54 volume 7 American State Papers above referred to.

While the evidence in this case tends to show line of descent claimed by the applicants no evidence has been offered either oral or documentary to show that the ancestors through whom applicants claim were recognized members of the Choctaw tribe of Indians and resided in the old Choctaw Nation Mississippi at the time of the conclusion of the Treaty f of 1830; nor has any evidence been offered to show that any of the ancestors of applicants had ever complied with or attempted to comply with any of the provisions of the 14th article of said treaty.

Note: Case M. C. R. 80 Lizzie Woodard was remanded by the Department for rehearing with special instructions contained in Departmental letter of June 10, 1901; copy of said letter is hereto attached.

Muskogee, Indian Territory, March 15, 1901

Louis Woodward,

Durant, I. T.

Dear Sir-

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws.

Yours truly,

Acting Chairman.

Encl.hh
Reg.M.
M.C.R.78

(COPY)

DEPARTMENT OF THE INTERIOR. W. C. P.
W. C. P.

W. O. K. Washington, June 10, 1901.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

With his letter of April 30, 1901, the Acting Commissioner of Indian Affairs transmitted the papers in the matter of the claim of Lizzie Woodward, for identification and enrollment as a Mississippi Choctaw Indian. He points out several particulars in which he deems the investigation, so far as made, insufficient, and recommends that the papers in the case be returned to you for a further investigation.

The name of the applicant is written in your records as Lizzie Woodward, although her application and papers filed with it are signed Lizzie Woodard. In her application, which is sworn to by her, she traces her claim to Tom Woodard and Mary Mingo, both alleged to be full blood Mississippi Choctaws, whose son Lewis Woodard is the father of this applicant. The record of her oral examination, and she was the only witness thus examined, shows no question was asked as to her grandparents and the record does not show that any effort was made to ascertain whether they were in

fact Mississippi Choctaws. It seems that Lewis Woodward applied at the same time for identification by you as a Mississippi Choctaw and it may be all the facts as to his parents were developed in the examination of his claim. If so, those facts should have been considered by you in the examination of the daughter's claim and should have been brought to the attention of this Department. In cases like this, where several parties of one family present claims, their cases should be considered together to the extent, at least, of taking into consideration, in connection with each, all the facts developed in connection with all the other claims. Indeed, all facts shown by your record, or within your knowledge, affecting a claim pending before you should be considered by you in connection therewith and should be made to appear in the record to be submitted to this Department.

It does not appear that any examination has been made to ascertain whether this applicant or any of the persons mentioned as her ancestors, were ever enrolled as Mississippi Choctaws, or recognized as such by the tribal authorities.

As appropriately said by the Acting Commissioner of Indian Affairs, the only interest the government has in this matter is to see "that exact justice be done, that every person honestly entitled to participation be sought out and cared for and that every spurious claim be, beyond a peradventure shown to be spurious. To attain this result it is necessary that your commission should make

such an investigation of each claim as will develop all the facts essential to a just and satisfactory conclusion as to the rights of the claimant. That has not been done in this claim of Lizzie Woodard, and the papers are for that reason returned for a further inquiry. You will advise the claimant of this and afford her an opportunity to present such further testimony as she may be able to produce. The Commissioner of Indian Affairs will be requested to forward you such rolls of the Mississippi Choctaws as may be in the possession of his office, to assist you in the identification of persons claiming rights as such.

A copy of the Acting Commissioner's letter is enclosed with the other papers in the case.

Very respectfully,

Thos. Ryan.

Acting Secretary.

Ind. Ter. Div.
1738-1901.
Inclosures.
4

(COPY)

DEPARTMENT OF THE INTERIOR,

W. O. K. Washington, June 10, 1901.

W. G. P.
W. C. P.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

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Thos. Ryan.

Acting Secretary.

Ind. Ter. Div.
1738-1901.
Inclosures.
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61036-1900.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, April 30, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

This office herewith forwards for your consideration, papers in the case of Lizzie Woodward, an applicant for enrollment as a Mississippi Choctaw.

The examination as to her right to enrollment is confined to the applicant herself and that examination is of a most unsatisfactory character. There is no sufficient investigation into her line of ancestry, the questions being limited to the name of her father. She is given no opportunity to trace her ancestry back to a Choctaw of the time of the treaty of 1830, if that were within her knowledge individually. She is nowhere asked as to the existence or availability of other witnesses whose knowledge would supplement hers on this most important question. To limit a case as to important property interests to the unsubstantiated and unsupported testimony of a single witness is not an investigation into its merits such as is required by all the rules of proof, Nor is it just to restrict it to the knowledge of any one person, though that person be the chief party in interest.

The applicant in this case, though claiming ignorance as to the provisions of the various treaties, and the 14th article of the treaty of 1830 in particular, was pressed to testify definitely as to whether she or any of her ancestors ever claimed or received any land under that article and still the article was not read nor its provisions explained to her. Surely she was entitled to know the terms of the article, and just as certainly she was entitled to enlightenment as to the subsequent transactions under that article in order to qualify her to say, so far as her personal knowledge might go, whether her ancestors had claimed or received benefits under that section, or not.

While there were various affidavits filed by the applicant which are of such a character as to naturally put the commissioners on their inquiry, the record indicates that the case was decided on the testimony of the applicant alone, to the exclusion of the affidavits, and, indeed, to the probable ignoring of them altogether. The Commission may have a decided opinion as to the reliability and value of affidavits procured as proof in these cases, but that question goes to the weight to which they are entitled and does not justify excluding them from consideration.

There should be a memorandum in the case indicating the views of the Commission as to whether the applicant shows trace of Indian blood, and the probable percentage.

There is no statement in the judgment as to the reasons on

which the commission base their judgment of refusal. This should be specifically set out, as it is an important factor in reviewing their action. For these, and the reasons hereinafter set out the office will view this case should be returned to the commission for further examination, with such instructions as the Department may deem sufficient to procure a thorough investigation into the rights of the applicant.

The government, in the matter of the settlement of the affairs of the Choctaw Nation, is, in a sense, acting as the administrator of an estate that must be distributed among the heirs. It has no interest in either qualifying or rejecting an applicant for recognition as entitled to participate in the estate. There are no interests to which it is especially friendly or toward which it is hostile. Its business begins and ends with a painstaking and dispassionate investigation and settlement of all the interests involved. That exact justice be done, that every person honestly entitled to participate be sought out and cared for and that every spurious claim be beyond a peradventure shown to be spurious is its highest duty in the premises. The thoroughness with which this work is done will determine the question as to whether its labors are merely preliminary or are conclusive. At this time, when the last chapter in the history of the Government's dealings with these people who have heretofore been its wards is being written, preparatory to closing the record forever and sending its former charges out as in-

dependent citizens of the republic, the government's agents should be especially solicitous that the spirit actuating this last administration be most benevolent and fair.

The investigation into the claims of all parties asserting rights in the property about to be distributed should be thorough and complete. Every resource of the government and of the individual should be called into action to establish the fact that the applicant for enrollment is, or is not entitled to participate. Important interests are involved and the government should be acquitted of any charge of denying a right because of haste or a lack of appreciation of its duty in the premises.

The agencies of the government for the settlement of the interests of the Choctaw Nation are the Interior Department and the Commission to the Five Civilized Tribes, the latter being in the field and dealing with the individuals direct, with revisionary authority lodged in the Secretary of the Interior.

The most important duty the Commission has to perform is to prepare rolls of those entitled to membership in the nation. In connection with the compilation of these rolls there must be an investigation judicial in its nature, for the purpose of arriving at the facts which will show as completely as possible, each applicant to be entitled to, or disqualified for, enrollment. To satisfy itself the Commission is in duty bound to make these inquiries of the most thorough character, going into every question

that would in any way tend to aid it in arriving at a correct conclusion. It should be anxious for information and not disregardful of any which would throw light on the subject of inquiry. If distances are too great for the attendance of witnesses without hardship on applicants, arrangements should be made for taking depositions and in the absence of depositions affidavits should not be disregarded to the end that any applicant, no matter how poor, shall have his day in court.

Beyond this there is the power vested in the Secretary of the Interior to revise, and that fact places an additional responsibility on the Commission to make its record thorough and complete, as the Department has not the advantage of seeing and examining the witnesses personally and is therefore dependent on the record furnished by the Commission; hence no pains should be spared to bring out every point that would occur to the mind of a trained lawyer as being material to a just decision of the case.

This office has, at the present time, 119 cases on hand, of applicants for enrollment as Mississippi Choctaws who have been refused enrollment by the commission. These cases which are now before the office have come up to the Department for its consideration. The examinations in all these cases are characterized by an evident want of appreciation of the requirements of a record that must go through the process of a careful review. They fail

to contain various of the elements which are deemed necessary to assure this office that every material fact which would tend to establish the true status of the applicant has been earnestly sought for and that all available sources of information have been exhausted.

In the letter of instructions to the Commission, approved August 8, 1899, this office said:

"The rolls as made upon by your commission must, to become final, receive the approval of the Secretary of the Interior. It will therefore be necessary for you to make a record in all cases sufficient to enable this office and the Department to take intelligent action in the premises, and especially in thoses cases where your decision either for or against the right of any person to have his name appear on the rolls is complained of."

Also in office report of November 13, 1899, it was suggested:

"As all cases passed upon by the Dawes Commission, wherein the decision of said Commission is complained of, will come before this office and the Department on appeal, from said decision, ----------therefore it would seem that the record should be full and complete."

In letter of the Department of December 26, 1899, the subject was further discussed, as follows:

"All applicants for enrollment, must, under the regulations approved August 8, 1899, present themselves in person, and whenever it appears to the Commission that it is without jurisdiction it should deny the application and should file and retain such papers as have been presented in support of the application and should make a complete record of the matter, explicitly stating therein the grounds upon which the application is denied, and should advise the parties in interest in writing, of the decision, in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval."

An examination of the records in question will hardly

justify the conclusion that the instructions quoted have been literally or in spirit, carried out. The records and testimony do not come within the term "full", neither can they be said to be "complete."

The Choctaws in Mississippi at the time of the negotiation of the treaty of Dancing Rabbit Creek were nearly all full-blood Indians, having no education whatever, and still following the old tribal custons in regard to the names of individuals. There was no way in which a family could be traced through a surname. The descendants of these people have adopted family names founded on the English equivalent of the Indian names or, as in most cases, have adopted or been given some name of the white men, arbitrarily. This makes it hard to connect the Indian of today, with an established family name, with an Indian of 1830 whose name perished with him. (See report of the Commission of March 10, 1899, to which was attached schedule of names of Mississippi Choctaws who had been enrolled by them in Mississippi.)

Still, in an examination such as should be conducted in these cases, involving a right of inheritance of such importance, this question should be gone into very thoroughly, as it is the gist of the whole matter. The question of the line of descent being of first importance, special stress should be laid upon it in the examination of witnesses and every fact sought for diligently.

The goverment has, at different times attempted to make complete

rolls of all Choctaws who remained in Mississippi under the provisions of the treaty of 1830, and several lists of such members of the tribe are in the possession of this office and could be made accessible to the Dawes Commission. The government must take cognizance of its own records, and while in many instances it will be possible to secure proof connecting the applicant of today with a name on any of these rolls, it will be of the greatest value wherever it can be done, especially so if the name be found on rolls made under the provisions of the 14th or 19th or other articles; therefore the examination should be especially careful on that point. In a great many of the cases now before the office no questions are asked with reference to ancestors back of the father or mother. It is sufficient to say that that is no such examination as is called for by the circumstances.

In all these cases the applicants have been asked as to whether they or their ancestors have ever been recognized as being members of the nation by the tribal authorities, or been enrolled as such. These questions are not qualified or explained in any instance, although there are numbrous reasons why they should be. If the ancestors were not recognized as members of the tribe by the tribal authorities in Mississippi before 1830, of course that would be conclusive; but as to recognition by the tribal authorities in Indian Territory of Choctaws who are still in Mississippi or who have never been in Indian Territory, it is a matter of small importance.

This office does not at present find it necessary to discuss the questions involved in the $100. fee for enrollment provided for by the Choctaw laws, but if a person rightfully entitled to enrollment otherwise had been rejected for want of the fee, it might become a question of first rank. There may be others who, because of poverty and inability to raise the one hundred dollars, never attempted to secure enrollment while knowing themselves fully entitled thereto. The fact, if it be a fact, would be important in the record.

Under the head of "recognition", as used in the questions in these cases, where the candidates for enrollment testify to having occupied tribal lands for years, the Commission should have carefully inquired into the character of the occupancy; whether it was under a permit, lease, or as a citizen of the Nation fully entitled to share in the privileges of citizenship. No attempt has been made to draw out this class of information from any of the parties, yet it is a veby necessary element in arriving at a correct decision in the case.

The 14th article of the treaty of 1830 was followed up by a series of negotiations, investigations, legislations and treaties which presents one of the most troublesome questions that confront the Indian Office. Its provisions required those members of the tribe desiring to remain in Mississippi under its stipulations to

notify the agent of their intention so to do within six months after the ratification of the treaty, but the agent did not receive instructions to record such notifications until within sixty days of the expiration of the period. He was very hostile to having any of the Indians remain, and put every obstacle possible in the way of recording their intention, besides being a large part of the time intoxicated and unfit for transacting any class of business. He only enrolled 143 heads of families as desiring to remain, while, as a matter of fact about 7000 persons did actually remain. Complaint was so general and strong of the behavior of ward, the Agent, and the denial of the privileges to so many by his acts, that Congress on March 3, 1837, provided for a commission to go to Mississippi to enroll all the Choctaws who still remained there, which commission duly performed its labors and reported. This was followed by legislation for issuing scrip to such Choctaws as were, because of the failure of Ward to enroll them, deprived of their lands in Mississippi in lieu thereof, which scrip might be used wherever public land could be found still open to settlement, in the States of Mississippi, Louisiana, Alabama, or Arkansas. There was scrip issued under this law, to 1155 heads of families, 1470 minors over 10 years of age and 1219 children under 10 years of age, while 292 heads of families, representing 860 persons applied for scrip and were denied.

The law of 1842 provided that certificates could not be issued

for more than half of the land found to be due those Indians, the balance to be held by the government until after removal to the Choctaw territory west of the Mississippi river. Under instructions issued by the Secretary of War, October 10, 1844, the agents were prohibited from paying over the scrip deliverable east until the parties to whom the certificates were payable should be prepared to to remove west of the Mississippi river, and additional discretion was granted the agents to determine for themselves whether the scrip should be delivered before the Choctaws had crossed the Mississippi, or at what stage of the journey is should be delivered.

Under such a combination of facts and circumstances as is here presented with reference to the transactions under the 14th article of the treaty of 1830, a bare, unexplained question as to whether an applicant or any of his ancestors had ever claimed rights under that article, put to a witness who confesses to absolute ignorance of the provisions of that particular treaty or any of its articles, is falling far short of the duty of the examiners and is no such treatment of the subject as its importance demands. If an explanation of the dealings of the government under this treaty is not made to the parties and questions asked under it, the examination should be so conducted as to bring out all the facts obtainable that would throw light on the points involved. The acts connected with the issuance of the scrip and the circumstances surrounding its delivery resulted in scattering members of the tribe throughout the

neighboring States, separating them from tribal associations and records, subjecting them to hardships that were not contemplated in the treaty, depriving them of the advantage of the usual method of proving genealogy among uneducated peoples, the recollection of the oldest citizens, and those claiming to be their descendants today should not have visited on them a continuation of the injustice of past times, but should have full opportunity to fully present their proof without unnecessary obstacles being placed in their way.

The character of examination resorted to by the Dawes Commission in the cases under consideration is not such as would aid the witnesses in bringing out all the facts which might have been available. It should have been much more complete and greater effort made toward thoroughness.

Some of the cases show that brothers and sisters necessarily having a common ancestry, with no proof of different conditions surrounding them, have been enrolled by the Commission and other brothers or sisters have been admitted by the United States courts, while the parties in these cases have been rejected and no showing is made in the record why the one is taken and the other left. In fact, notwithstanding the instructions of this office and of the Department, which are reproduced herewith, requiring that the grounds of rejection be set out in the judgment rendered by the Commission, no pretence has been made to comply with those instructions, and a

single form, general in character, and not specific, as the instructions call for, has been used in each case.

This office is of the opinion that the records under consideration do not exhibit that degree of care which is chargeable to a government agency for the determination of important interests, and it is due to the government, the individuals and the Choctaw Nation that there be no just ground for complaint on account of a lack of thoroughness on the part of the governmental agencies

In view of the reasons set out herein, of the need of a more complete investigation of this case, the recommendation heretofore made is reiterated that the papers be returned to the Commission to the Five Civilized Tribes with such instructions as the Department may deem proper.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

M. B. H.

(C)

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 30, 1901.

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The Secretary of the Interior.

Sir:

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The examination as to her right to enrollment is confined to the applicant herself and that examination is of a most unsatisfactory character. There is no sufficient investigation into her line of ancestry, the questions being limited to the name of her father. She is given no opportunity to trace her ancestry back to a Choctaw of the time of the treaty of 1830, if that were within her knowledge individually. She is nowhere asked as to the existence or availability of other witnesses whose knowledge would supplement hers on this important question. To limit a case as to important property interests to the unsubstantiated and unsupported testimony of a single witness is not an investigation into its merits such as is required by all the rules of proof, nor is it just to restrict it to the knowledge of any one person, though that person be the cheif party in interest.

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entitled to know the terms of the article, and just as certainly she was entitled to enlightenment as to the subsequent transactions under that article in order to qualify her to say, so far as her personal knowledge might go, whether her ancestors had claimed or received benefits under that section, or not.

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There should be a memorandum in the case indicating the viviews of the commission as to whether the applicant shows trace of Indian blood, and the probable percentage.

There is no statement in the judgment as to the reasons on which the commission base their judgment of refusal. This should be specifically set out, as it is an important factor in reviewing their action. For these, and the reasons hereinafter set out the office believes this case should be returned to the commission for further examination, with such instructions as the Department may deem sufficient to procure a thorough investigation into the rights of the applicant.

The government, in the matter of the settlement of the affairs of the Choctaw Nation, is, in a sense, acting as the administrator of an estate that must be distributed among the heirs. It has no interest in either qualifying or rejecting an applicant for recognition as entitled to participate in the estate. There are no interests to which it is especially friendly or toward which it is hostile. Its business begins and ends with a paina-

taking and dispassionate investigation and settlement of all the interests involved. That exact justice be done, that every person honestly entitled to participate be sought out and cared for and every spurious claim be beyond a peradventure shown to be spurious is its highest duty in the premises. The thoroughness with which the work is done will determine the question as to whether it s labors are merely preliminary or are conclusive. At this time, when the last chapter in the history of the Government's dealings with these people who have heretofore been its wards is being written, preparatory to closing the record forever and sending its former charges out as independant citizens of the republic, the government's agents should be especially solicitous that the spirit actuating this last administration be most benevolent and fair.

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riving at the facts which will show as completely as possible each applicant to be entitled to, or disqualified for, enrollment. To satisfy itself the Commission is in duty bound to make these inquiries of the most thorough character, going into every question that would in any way tend to aid it in arriving at a correct conclusion. It should be anxious for information and not disregardful of any which would throw light on the subject of inquiry. If distances are too great for the attendance of witnesses without hardship on applicants, arrangements should be made for taking depositions and in the absence of depositions affidavits should not be disregarded to the end that any applicant, no matter how poor, shall have his day in court.

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This office has, at the present time, 199 cases on hand of applicants for enrollment as Mississippi Choctaws who have been refused enrollment by the commission. These cases which are now before the office have come up to the Department for its consideration. The examinations in all these cases are characterized by an evident want of appreciation of the requirements of a record that must go through the process of a careful review. They fail to contain various of the elements which are deemed necessary to assure this office that every material fact which would tend to establish the true status of the applicant has been earnestly sought for

and that all available sources of information have been exhausted.

In the letter of instructions to the Commission, approved August 8, 1899, this office said:

" The rolls as made up by your commission must, to become final, receive the approval of the Secretary of the Interior. It will therefore be necessary for you to make a record in all cases sufficient to enable this office and the Department to take intelligent action in the premises, and especially in those cases where your decision either for or against the right of any person to have his name appear on the rolls is complained of."

Also in office report of November 13, 1899, it was suggested:

"As all cases passed upon by the Dawes Commission, wherein the decision of said Commission is complained of , will come before this office and the Department on appeal, from said decision, ----------therefore it would seem that the record should be full a and complete."

In letter of the Department of December 26, 1899, the subject was further discussed, as follows:

"All applicants for enrollment must, under the regulations approved August 8, 1899, present themselves in person, and whenever it appears to the Commission that it is without jurisdiction it should deny the application and should file and retain such papers as have been presented in support of the application and should make a complete record of the matter, explicitly stating therein the grounds upon which the application is denied, and should advise the parties in interest in writing, of the decision, in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval."

An examination of the records in question will hardly justify the conclusion that the instructions quoted have been literally or in spirit , carriedout. The records and testimony do not come within the term "full", neither can they be said to be "complete".

The Choctaws in Mississippi at the time of the negotiation of the treaty of Dancing Rabbit Creek were nearly all full-blood Indians, having no education whatever, and still following the old tribal customs in regard to the names of individuals. There was no way in which a family could be traced through a surname. The descendants of these people have adopted family names founded

on the English equivolent of the Indian name or, as in most cases, have adopted o been given some name of the white man, arbitrarily. This makes it hard to connect the Indian of today, with an established family name, with an Indian of 1830 whose name perished with him.(See report of the Commission of March 10, 1899, to which was attached schedule of names of Mississippi Choctaws who had been enrolled by them in Mississippi.)

Still, in an examination such as should be conducted in those cases, involving a right of inheritance of m ch importance, this question should be gone into very thoroughly, as it is the gist of the whole matter. The question of the line of descent being of first importance, special stress should be laid upon it in the examination of witnesses and every fact sought for ~~so~~ dilligently.

The government has, at different times, attempted to make complete rolls of all Choctaws who remained in Mississippi under the pr visions of the treaty of 1830, and several lists of such members of the tribe are in the possession of this office and could be made accessible to the Dawes Commission. The government must take cognizance of its own records, and while in many instances it will be impossible to secure proof connecting the applicant of to-day with a name of these rolls, it will be of the greatest value wherever it can be done, especially so if the name be found on rolls made under the provisions of the 14th or 19th or other articles; therefore the examination should be especially careful on that point. In a great many of the cases now before the office no questions are asked with reference to ancestors back of t the father or mother. It is sufficient to say that that is no such examination as is called for by the circumstances.

In all of these cases the applicants have been asked as to whether they or their ancestors have ever been recognized as being

members of the nation by the tribal authorities, or been enrolled as such . These questions are notqualified or explained in any instance, although there are numerous reasons why they should be. If the ancestors were not recognized as members of the tribe by the tribal authorities in Mississippi before 1830, of course that would be conclusive; but as to recognition by the tribal authorities in Indian Territory of Choctaws who are still in Mississippi or who have never been in Indian Territory, it is a matter of small importance. This office does not at present find it necessary to discuss the questions involved in the $100. fee for enrollment provided for by the Choctaw laws, but if a person rightfully entitled to enrollment otherwise had been rejected for want of the fee, it might become a question of first rank. There may be others who, because of poverty or inability to raise the one hundred dollars, never attempted to secure enrollment while knowing themselves fully entitled thereto. That fact, if it be a fact, would be important in the record.

Under the head of "recognition", as used in the questions in these cases, where the candidates for enrollment testify to having occupied tribal lands for years, the Commission should have carefully inquired into the character of the occupancy; whether it was under a permit, lease, or as a citizen of the Nation fully entitled to share in the privilege of citizenship. No attempt has been made to draw out this class of information from any of the parties, yet it is a very necessary element in arriving at a correct decision in the case.

The 14th article of the treaty of 1830 was followed up by a series of negotiations, investigations, legislations and treaties which presents one of the most troublesome questionsthat confront the Indian Office. Its provisions required those members of the tribe desiring to remain in Mississippi under its stipulations

to notify the agent of their intention so to do within six months after the ratification of the treaty; but the agent did not receive instructions to record such notification until within sixty days of the expiration of the period. He was very hostile to having any of the Indians remain and put every obstacle possible in the way of recording their intention, besides being a large part of the time intoxicated and unfit for transacting any class of business. He only enrolled 143 heads of families as desiring to remain, while, as a matter of fact 4000 out 7000 persons did actuallt remain. Complaint was so general and strong of the behavior of Ward, the Agent, and the denial of the privileges to so many by his acts, that Congress on march 3, 1837, provided for for a commission to go to Mississippi to enroll all the Choctaws who still remained there, which commission duly performed its labors and reported. This was followed by legislation for issuing scrip to such Choctaws as were, because of the failure of Ward to enroll them, deprived of their lands in Mississippi in lieu thereof, which scrip might be used wherever public land could be found still open to settlement, in the States of Mississippi, Louisiana, Alabama or Arkansas. There was scrip issuedunder this law, to 1155 heads of families, 1470 minors over 10 years of age and 1219 children under 10 years of age, while 292 heads of families, representing 860 persons applied for scrip and were denied.

The law of 1842 provided that certificates could not be issued for more than half of the land found to be due these Indians, the balance to be held by the government until after removal to the Choctaw territory west of the Mississippi river. Under instructions issued by the Secretary of War, October 10, 1844, the agents were prohibited from paying over the scrip deliverable east until the parties to whom the certificates were payable should be prepared to remove west of the Mississippi river, and additional discretion

was granted the agents to determine for themselves whether the scrip should be delivered before the Choctaws had crossed the Mississippi, or at what stage of the journey it should be delivered.

Under such a combination of facts and circumstances as is here presented with referencemto the transactions under the 14th article of the treaty of 1830, a bare, unexplained question as to whether an applicant or any of his ancestors had ever claimed rights under that article, put to a witness who confesses to absolute ignorance of the provisions of that particular treaty or any of itsarticles, is falling short of the duty of the examiners and is no such treatment of the subject as its importance demands. If an explanation of the dealings of the governemnt under this treaty is not made to the parties and questions asked under it, the examination should be so conducted as to bring out all the facts obtainable that would threw light on the points involved. The acts connected with the issuance of the scrip and the circumstances surrounding its delivery resulted in scattering members of the tribe throughout the neighboring States, separating them from tribal associations and records, subjecting them to hardships that were not contemplated in the treaty, depriving them of the advantages of the usual method of proving genealogy among uneducated peoples, the recollection of the eldest citizens, and those claiming to be their descendants to-day should not have visited on them a continuation of the injustice of past times but should have full opportunity to present their proofs without unnecessary obstacles being placed in their way.

The character of examination resorted to by the Dawes Commission in the cases under consideration is not such as would aid the witnesses in pringing out all the facts which might have been available. It should have been much more complete and greater effort made toward thoroughness.

Some of the cases show that brothers and sisters necessarily having a common ancestry, with no proof of different condi-

tions surrounding them, have been enrolled by the Commission and other brothers or sisters have been admitted by the United States courts, while the parties in these cases have been rejected and no showing is made in the record why the one is taken and the other left. In fact, notwithstanding the instructions of this office and of the department, which are reproduced herewith, requiring that the grounds of rejection be set out in the judgment rendered by the Commission, no pretense has been made to comply with those instructions, and a single form, general in character, and not specific, as the instructions call for, has been used in each case.

This office is of the opinion that the records under consideration do not exibit that degree of care which is chargeable to a government agency for the determination of important interests, and it is due to the government, the indivduals and the Choctaw Nation that there be no just ground for complaint on account of a lack ofthoroughness on the part of the governmental agencies.

In view of the reasons set out herein, of the need of a more complete investigation of this case, the recommendation heretofore made is reiterated that the papers be returned to the Commission to the Five Civilized Tribes with such instructions as the Department may deem proper.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

E. B. H.
(C)

Muskogee, Indian Territory, November 15, 1901.

The Commissioner of
Indian Affairs,
Washington, D. C.

Sir:

In accordance with instructions contained in Departmental letter of July 25, 1901, the Mississippi Choctaw case of Lizzie Woodard, record of which was returned with letter of the Secretary of the Interior, dated June 10, 1901, with instructions for further hearing, will be considered together with the cases of Lewis Woodard et al, and Mary Woodard, applicants for identification as Mississippi Choctaws, claiming descent from the same common ancestor.

The Commission to the Five Civilized Tribes has notified the interested parties in these several applications, their attorneys and the attorneys for the Choctaw Nation, that in accordance with such instructions the testimony of witnesses in person will be heard at the office of the Commission at Muskogee, Indian Territory, at nine o'clock A. M., December ~~27~~ 21 1901.

Yours truly,

M. C. 80

Acting Chairman.

Muskogee, Indian Territory, November 15, 1901.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw Nation,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that in accordance with instructions of the Secretary of the Interior on Saturday, December 21, 1901, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory there will be heard the testimony of such witnesses as may present themselves in person in the cases of Lizzie Woodard, Lewis Woodard and Mary Woodard, applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M. C. 80

Acting Chairman.

Muskogee, Indian Territory, November 15, 1901.

J. O. Pool,

Attorney of Record,

Necona, Texas.

Dear Sir:

You are hereby notified that in accordance with instructions of the Secretary of the Interior on Saturday, December 21, 1901, at nine o'clock A. M. at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory there will be heard the testimony of such witnesses as may present themselves in person in the cases of Lizzie Woodard, Lewis Woodard and Mary Woodard, applicants to this Commission for identification as Mississippi Choctaws.

Yours truly,

M. C. 80

Acting Chairman.

[illegible], Indian Territory, [illegible] 1[illegible], 1[illegible].

Lewis Woodard,

Durant, Indian Territory.

Dear Sir:

In the matter of the application of Lizzie Woodard for identification as a Mississippi Choctaw you are informed that under date of June 10, 1901, the Secretary of the Interior remanded to this Commission the record therefore forwarded the Department for approval with instructions that an opportunity be granted for the introduction of additional testimony of applicant's or witnesses in person in support of such application.

It appears from our records that at Colbert, Indian Territory, on June 1[illegible], 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and your minor child claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory on Saturday December 21, 1901, at nine o'clock A. M. there will be heard the

L. W. 2.

testimony of such witnesses as present themselves in person insup-
port of your application.

Yourx truly,

M. C. 78

Acting Chairman.

Muskogee, Indian Territory, May 16, 1902

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted herewith the record in the consolidated case of Lewis Woodard, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of May 13th, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Acting Chairman

Through the Commissioner
of Indian Affairs
1 enclosure

M.C.R. 78

Muskogee, Indian Territory, May 16, 1908.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 13th day of May, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Woodard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898 (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard, Callie Woodard, Mary Woodard and Lizzie Woodard as Choctaw Indians

entitled to rights in the Chocton lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M.C.R. 78

Muskogee, Indian Territory, May 16, 1902

Chester Howe,

Attorney at Law,

[illegible] "F" St., N.W., Washington, D.C.

Dear Sir:-

You are hereby advised that on the 12th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Woodard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898(30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard,

Chester News-------- 2

Callie Woodard, Mary Woodard, and Lizzie Woodard as Chester Indians entitled to rights in the Chester lands under the provision of law above quoted, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M.C.R. 78

Muskogee, Indian Territory, May 16, 1902.

J. O. Pool,

Attorney at Law,

Vocean, Texas.

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Woodard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898, (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard, Sallie Woodard, Mary Woodard and Lizzie Woodard as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as

which should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

M.C.R. 78

Muskogee, Indian Territory, May 16, 1902.

Lewis Woodard,
Durant, Indian Territory.

Remailed Longview Texas Apl. 25 1903
Care Frank B. Brown

Dear Sir:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Woodard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats. 495) is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard, Callie Woodard, Mary Woodard, and Lizzie Woodard as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as

Lewis Woodard----------2

such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered

COPY.

M.C.R. 78.

Muskogee, Indian Territory June 27, 1902.

Messrs. Mansfield, McMurray & Cornish,
Attorneys, for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Woodard, et al., of which decision you were advised by mail on the 16th day of May, 1902.

Yours truly,

(SIGNED) T. B. Needles

Commissioner in Charge.

COPY.

M.C.R. 78.

Muskogee, Indian Territory June 27, 1902.

Lewis Woodard,

Durant, Indian Territory.

Dear Sir:-

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Woodard, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

(SIGNED) T. B. Needles

Commissioner in Charge.

COPY.

M.C.R. 78.

Muskogee, Indian Territory June 27, 1902.

Chester Howe,

Attorney at Law,

623 F. St. N.W.

Washington, D.C.

Dear Sir:-

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Woodard, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

(SIGNED). T. B. Needles.

Commissioner in Charge.

COPY.

M.C.N. 78.

Muskogee, Indian Territory June 27, 1902.

J. O. Pool,

Attorney at Law,

Nocona, Texas.

Dear Sir:

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Woodard, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

M C R 78
M C R 79
M C R 80

Muskogee, Indian Territory, September 25, 1903.

Frank B. Brown,
Longview, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in reply to our communication of the 10th instant. You ask what steps should be taken towards settlement of the Mississippi Choctaw claims of Lewis, Mary and Lizzie Woodard.

In reply you are informed that it appears from our records that on June 16, 1902, the Secretary of the Interior approved the decision [redacted] Commission refusing the several applicants included in the consolidated Mississippi Choctaw case of Lewis Woodard, et al., of which the applications of Mary and Lizzie Woodard are a part.

The several applicants were duly notified of such departmental action on June 27, 1902, at Durant, Indian Territory, their last known post office address. Said letters were returned to this office marked "unclaimed" and are this day remailed the applicants at Longview, Texas, in your care.

The Commission now considers this case closed.

Respectfully,

Chairman.

MEMORANDA.

(Date) June 15 1900. Durant, I.T.

Name Lewis Woodard, (66)

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes, (3/4) Mother's citizenship Choc. (Full-blood)

Intermarried citizen ?

Married under what law ?

License filed this day

~~Wife's name~~ Ann Carter.

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children:

	County	Year	Page	No.
20. Tallie	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Tom Woodard (father) (1/2) Dead
Mary Woodard, (mother)

"

Second copy of decision
mailed Louis Hardwood
because first copy was
sent out unsigned.

3/15/1901.
A.B.

Son of
Thomas Woodard 1/2
Married
Mary Meigs
full blood

R 78
Lewis Woodard, 66, 3/4.
Married
x Ann Carter
x Father white man
Mother claimed Choctaw Indian

R 79
Mary Woodard
R 80
Lizzie Woodard
R 78
Callie Woodard

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW

REFUSED.

Lewis Woodward et al

Judgment written January 18, 1902.
B.C.J.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT.
FEB 26 1901

ACTING CHAIRMAN

REFER TO M. C. R.

W. 80 Lizzie Woodard
" 79 Mary Woodard

Choctaw MCR 79

Mary Woodward

MCR 79

See MCR 78

A MISSISSIPPI CHOCTAW

Mary Woodard.

REFUSED.

DECISION RENDERED MAY 1 '02 MAY 16 190

NOTICE OF DECISION MAILED APPLICANT. MAY 21 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS. 90

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. 90

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 1 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

REFER TO M. C. R. 78

MC-279-

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Mary Woodward for the enrollment of herself as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Mary Woodward.
Q What is your age? A 24.
Q What is your post office address? A Durant.
Q How long have you lived in the Territory? A I came there the first of this month.
Q Where did you come from? A Texas.
Q How long had you lived in Texas? A All my life, I was born in Texas.
Q You have never lived in Mississippi? A No, sir.
Q What was the name of your father? A Louis Woodward.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian? A Yes, sir.
Q What proportion of Choctaw Indian blood does he claim to have?
A He claims to have 3/4.
Q Has his name ever been on the Choctaw Tribal rolls? A No, sir
Q Has he ever been recognized by the Tribal authorities as a Choctaw indian? A No, sir, he has never been recognized only by his friends and neighbors.
Q What is the name of your mother? A Ann Woodward.
Q Is she living? A No, sir.
Q Was she a white woman? A She claimed to be part indian.
Q She never was recognized by the Tribal authorities, was she?
A No, sir.
Q What proportion of Choctaw indian blood do you claim to have?
A 1/4 and 1/2.
Q That would be 3/4? A My father is 3/4.
Q Has your name ever appeared upon the Tribal rolls of the Choctaw Nation? A No, sir.
Q Have you ever been recognized by the Tribal authorities as being a Choctaw Indian? A No, sir, I haven't.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw indian? A No, sir.
Q This is your first application? A Yes, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q What treaty do you claim under? A I don't know anything about the treaties.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir, I haven't.
Q Did any of your ancestors? A No, sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q You are not married? A No, sir.
Q Is there any additional statement in regard to your case you would like to make at this time? A No, sir.
Q Have you any papers you would like to offer? A I have these.
(Statement of Mary Woodward, affidavits of Isaac Gans, Edwin A. Taylor, W. J. Blackburn, and H. G. Butts offered in evidence and marked exhibit A and placed on file.)

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw. The decision of the Commission stating more fully why it cannot identify you as a Mississippi Choctaw claiming under the provisions of the Act of June 28, 1898, will be furnished you and mailed to, your present post office address.

Mary Woodward - 8.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce G. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Muskogee, Indian Territory, November 15, 1901.

Mary Woodard,

Durant, Indian Territory.

Dear Madam:

In the matter of the application of Lizzie Woodard for identification as a Mississippi Choctaw you are informed that under date of June 10, 1901, the Secretary of the Interior remanded to this Commission the record theretofore forwarded the Department for approval with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in supportof such application.

It appears from our records that at Colbert, Indian Territory on June 18, 1900 you made personal application to this Commission for the identification as Mississippi Choctaws of yourself and your minor child claiming descent from the same common ancestor.

In accordance with the instructions above referred to you are here by notified that at the office of the Commission to the Five Civilized Tribes at Muskogee Indian Territory on Saturday December 21, 1901 at nine o'clock A. M. there will be heard the

testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

M. C. 79

Acting Chairman.

M.C.R. 79

Muskogee, Indian Territory, May 16, 1902.

Mary Woodard, Received Longview Texas Sept 25 1903
~~Durant~~, Indian Territory. Care Frank B. Brown

Dear Madam:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Woodard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lizzie Woodard,	M.C.R. 80

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twenty-first section of the act of Congress of June 28, 1898 (30 Stats. 496) is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard, Callie Woodard, Mary Woodard and Lizzie Woodard as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as

such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

COPY

N.C.R. 79.

Muskogee, Indian Territory June 27, 1902.

Mary Woodard, Remailed Longiron Lucas. Sept 25. 1903.
Durant, Indian Territory. Care Frank B. Brown

Dear Madam:

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Woodard, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in Charge.

M C R 78
M C R 79
M C R 80

Muskogee, Indian Territory, September 25, 1903.

Frank B. Brown,
Longview, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in reply to our communication of the 10th instant. You ask what steps should be taken towards settlement of the Mississippi Choctaw claims of Lewis, Mary and Lizzie Woodard.

In reply you are informed that it appears from our records that on June 16, 1902, the Secretary of the Interior approved the decision of the Commission refusing the several applicants included in the consolidated Mississippi Choctaw case of Lewis Woodard, et al., of which the applications of Mary and Lizzie Woodard are a part.

The several applicants were duly notified of such departmental action on June 27, 1902, at Durant, Indian Territory, their last known post office address. Said letters were returned to this office marked "unclaimed" and are this day remailed the applicants at Longview, Texas, in your care.

The Commission now considers this case closed.

Respectfully,

Chairman.

MEMORANDA.

(Date) June 15, 1900.

Name Mary Woodard, (24) Durant, I.T.

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? yes (3/4) Mother's citizenship Choc.

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name,

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

Lewis Woodard (father) (3/4) ✓
Anna Woodard (mother) Dead

Choctaw MCR 80

Lizzie Woodard

MCR 80

See MCR 78

Lizzie Woodard.

REFUSED.

DECISION [illegible] MAY [illegible]

NO[illegible] MAY 16 1902

NOTICE OF DEC[illegible] FORWARDED [illegible] APPLICANT. MAY 16 1902

NOTICE OF [illegible] FORWARDED AT [illegible] FOR CHOCTAW AND CHICKASAW NATIONS.

[illegible] 1902

RECORD FORWARDED DEPARTMENT

[illegible] 1902

ACTION APPROVED BY SECRETARY OF INTERIOR.

[illegible] 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. JUN 27 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. JUN 27 1902

[illegible] R 783

MC 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Lizzie Woodward for enrollment as a Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, she testified as follows:

Q What is your name? A Lizzie Woodward.
Q How old are you? A 23.
Q What is your post office address? A Durant.
Q Where did you live before coming to the Territory? A Texas.
Q Were you born in Texas and lived there all your live before you came to Durant? A Yes, sir.
Q You have never lived in Mississippi? A No, sir.
Q What is the name of your father? A Louis Woodward.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian? A Yes, sir.
Q What proportion of Choctaw Indian blood does he claim to have?
A 3/4.
Q Has his name ever been on the Choctaw Tribal rolls? A No, sir.
Q Has he ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q What is the name of your mother? A Ann Woodward.
Q Is she living? A No, sir, she is dead.
Q Is she a white woman? A Yes, sir.
Q What proportion of Choctaw Indian blood do you claim to have?
A 1/2 and 1/4.
Q Has your name ever appeared on the Choctaw Tribal rolls?
A No, sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw Indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q Do you claim to be a Mississippi Choctaw? A Yes, sir.
Q Under which treaty do you claim? A I don't know anything about the treaties.
Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A No, sir.
Q Did any of your ancestors? A No, sir.
Q Did you or any of your ancestors ever claim or receive any land as beneficiaries under the provisions of the 14th article of the Treaty of 1830? A No, sir, not that I know of.
Q You know whether you did or not, don't you? A No, sir, I didn't.
Q As to your ancestors, you don't know? A No, sir.
Q Is there any additional statement you would like to make in regard to your case? A No, sir.
Q Would you like to file these papers? A Yes, sir.
(Statement of Lizzie Woodward, and affidavits of Isaac Gans, Edwin A. Taylor, W. J. Blackburn, and H. G. Butts offered in evidence and marked Exhibit A. and placed on file.)
By J. A. Poole, attorney: You claim as a Mississippi Choctaw the same as Louis Woodward, under the same provisions and treaties as Louis Woodward? A Yes, sir.
Q Is Louis Woodward your father? A Yes, sir.
Q He is making application here now for enrollment before this Commission? A Yes, sir.
Q And Miss Mary Woodward, she is a sister of yours? A Yes, sir.
Q She is making application also? A Yes, sir.
Q You all claim the same as your father, Louis Woodward? A Yes.

Lonnie Tecumseh - 2.

Commissioner Kirby: The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw. The decision of the Commission stating more fully why it is not possible to identify you as a Mississippi Choctaw citizen under the provisions of the Act of Congress of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

Frank C. Jones, being duly sworn, on that as stenographer to the Commission to the Five Civilized Tribes he recorded the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Frank C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lizzie Woodward for identification as a Mississippi Choctaw.

The applicant, Lizzie Woodward, appeared before the Commission at Colbert, Indian Territory, June 16th, 1900, and from her oral testimony given at that time in behalf of her claim for identification as a Mississippi Choctaw.

It appears from the evidence in this case that the applicant has never been on any of the rolls of the Choctaw Nation, or ever admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation or by the Commission to the Five Civilized Tribes, acting under the act of Congress of June 10th, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of this Commission.

That her claim to recognition as a citizen of the Choctaw Nation is by reason of her right to be identified by this Commission as a Mississippi Choctaw.

The only legislation vesting in this Commission authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section Twenty one of the act of Congress approved June 28th 1898, (Curtis Bill), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

The act of Congress approved May 31st, 1900, contains the following provision:

"That said Commission shall continue to exercise all authority heretofore conferred on it by law, but it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: Provided, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission, and by the Secretary of the Interior as Choctaws entitled to allotment: Provided, further, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void."

After carefully considering the testimony of the applicant given at the time of her personal appearance before the Commission for examination, and the written evidence submitted by her in support of her application for identification as a Mississippi Choctaw; this Commission is of the opinion that the evidence in this case is not sufficient to enable the Commission to identify her as a Mississippi Choctaw entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seventh, eighteen hundred and thirty .

The application for identification as a Mississippi Choctaw of Lizzie Woodward is hereby refused.

BY THE COMMISSION.

Acting Chairman.

Muskogee, Indian Territory, September 5th 1900.

(COPY)

DEPARTMENT OF THE INTERIOR.

W. C. P.
W. C. P.

W. O. K. Washington, June 10, 1901.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

With his letter of April 30, 1901, the Acting Commissioner of Indian Affairs transmitted the papers in the matter of the claim of Lizzie Woodward, for identification and enrollment as a Mississippi Choctaw Indian. He points out several particulars in which he deems the investigation, so far as made, insufficient, and recommends that the papers in the case be returned to you for a further investigation.

The name of the applicant is written in your records as Lizzie Woodward, although her application and papers filed with it are signed Lizzie Woodard. In her application, which is sworn to by her, she traces her claim to Tom Woodard and Mary Mingo, both alleged to be full blood Mississippi Choctaws, whose son Lewis Woodard is the father of this applicant. The record of her oral examination, and she was the only witness thus examined, shows no question was asked as to her grandparents and the record does not show that any effort was made to ascertain whether they were in

fact Mississippi Choctaws. It seems that Lewis Woodward applied at the same time for identification by you as a Mississippi Choctaw and it may be all the facts as to his parents were developed in the examination of his claim. If so, those facts should have been considered by you in the examination of the daughter's claim and should have been brought to the attention of this Department. In cases like this, where several parties of one family present claims, their cases should be considered together to the extent, at least, of taking into consideration, in connection with each, all the facts developed in connection with all the other claims. Indeed, all facts shown by your record, or within your knowledge, affecting a claim pending before you should be considered by you in connection therewith and should be made to appear in the record to be submitted to this Department.

It does not appear that any examination has been made to ascertain whether this applicant or any of the persons mentioned as her ancestors, were ever enrolled as Mississippi Choctaws, or recognized as such by the tribal authorities.

As appropriately said by the Acting Commissioner of Indian Affairs, the only interest the government has in this matter is to see "that exact justice be done, that every person honestly entitled to participation be sought out and cared for and that every spurious claim be, beyond a peradventure shown to be spurious. To attain this result it is necessary that your commission should make

such an investigation of each claim as will develop all the facts essential to a just and satisfactory conclusion as to the rights of the claimant. That has not been done in this claim of Lizzie Woodard, and the papers are for that reason returned for a further inquiry. You will advise the claimant of this and afford her an opportunity to present such further testimony as she may be able to produce. The Commissioner of Indian Affairs will be requested to forward you such rolls of the Mississippi Choctaws as may be in the possession of his office, to assist you in the identification of persons claiming rights as such.

A copy of the Acting Commissioner's letter is enclosed with the other papers in the case.

Very respectfully,

Thos. Ryan.

Acting Secretary.

Ind. Ter. Div.
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Inclosures.
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Land.

61036-1900.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Washington, April 30, 1901.

The Honorable,

The Secretary of the Interior.

Sir:

This office herewith forwards for your consideration, papers in the case of Lizzie Woodward, an applicant for enrollment as a Mississippi Choctaw.

The examination as to her right to enrollment is confined to the applicant herself and that examination is of a most unsatisfactory character. There is no sufficient investigation into her line of ancestry, the questions being limited to the name of her father. She is given no opportunity to trace her ancestry back to a Choctaw of the time of the treaty of 1830, if that were within her knowledge individually. She is nowhere asked as to the existence or availability of other witnesses whose knowledge would supplement hers on this most important question. To limit a case as to important property interests to the unsubstantiated and unsupported testimony of a single witness is not an investigation into its merits such as is required by all the rules of proof, Nor is it just to restrict it to the knowledge of any one person, though that person be the chief party in interest.

The applicant in this case, though claiming ignorance as to the provisions of the various treaties, and the 14th article of the treaty of 1830 in particular, was pressed to testify definitely as to whether she or any of her ancestors ever claimed or received any land under that article and still the article was not read nor its provisions explained to her. Surely she was entitled to know the terms of the article, and just as certainly she was entitled to enlightenment as to the subsequent transactions under that article in order to qualify her to say, so far as her personal knowledge might go, whether her ancestors had claimed or received benefits under that section, or not.

While there were various affidavits filed by the applicant which are of such a character as to naturally put the commissioners on their inquiry, the record indicates that the case was decided on the testimony of the applicant alone, to the exclusion of the affidavits, and, indeed, to the probable ignoring of them altogether. The Commission may have a decided opinion as to the reliability and value of affidavits procured as proof in these cases, but that question goes to the weight to which they are entitled and does not justify excluding them from consideration.

There should be a memorandum in the case indicating the views of the Commission as to whether the applicant shows trace of Indian blood, and the probable percentage.

There is no statement in the judgment as to the reasons on

which the commission base their judgment of refusal. This should be specifically set out, as it is an important factor in reviewing their action. For these, and the reasons hereinafter set out the office believes this case should be returned to the commission for further examination, with such instructions as the Department may deem sufficient to procure a thorough investigation into the rights of the applicant.

The government, in the matter of the settlement of the affairs of the Choctaw Nation, is, in a sense, acting as the administrator of an estate that must be distributed among the heirs. It has no interest in either qualifying or rejecting an applicant for recognition as entitled to participate in the estate. There are no interests to which it is especially friendly or toward which it is hostile. Its business begins and ends with a painstaking and dispassionate investigation and settlement of all the interests involved. That exact justice be done, that every person honestly entitled to participate be sought out and cared for and that every spurious claim be beyond a peradventure shown to be spurious is its highest duty in the premises. The thoroughness with which this work is done will determine the question as to whether its labors are merely preliminary or are conclusive. At this time, when the last chapter in the History of the Government's dealings with these people who have heretofore been its wards is being written, preparatory to closing the record forever and sending its former charges out as in-

dependent citizens of the republic, the government's agents should be especially solicitous that the spirit actuating this last administration be most benevolent and fair.

The investigation into the claims of all parties asserting rights in the property about to be distributed should be thorough and complete. Every resources of the government and of the individual should be called into action to establish the fact that the applicant for enrollment is, or is not entitled to participate. Important interests are involved and the government should be acquitted of any charge of denying a right because of haste or a lack of appreciation of its duty in the premises.

The agencies of the government for the settlement of the interests of the Choctaw Nation are the Interior Department and the Commission to the Five Civilized Tribes, the latter being in the field and dealing with the individuals direct, with revisionary authority lodged in the Secretary of the Interior.

The most important duty the Commission has to perform is to prepare rolls of those entitled to membership in the nation. In connection with the compilation of these rolls there must be an investigation judicial in its nature, for the purpose of arriving at the facts which will show as completely as possible, each applicant to be entitled to, or disqualified for, enrollment. To satisfy itself the Commission is in duty bound to make these inquiries of the most thorough character, going into every question

that would in any way tend to aid it in arriving at a correct conclusion. It should be anxious for information and not disregardful of any which would throw light on the subject of inquiry. If distances are too great for the attendance of witnesses without hardship on applicants, arrangements should be made for taking depositions and in the absence of depositions affidavits should not be disregarded to the end that any applicant, no matter how poor, shall have his day in court.

Beyond this there is the power vested in the Secretary of the Interior to revise, and that fact places an additional responsibility on the Commission to make its record thorough and complete, as the Department has not the advantage of seeing and examining the witnesses personally and is therefore dependent on the record furnished by the Commission; hence no pains should be spared to bring out every point that would occur to the mind of a trained lawyer as being material to a just decision of the case.

This office has, at the present time, 119 cases on hand, of applicants for enrollment as Mississippi Choctaws who have been refused enrollment by the commission. These cases which are now before the office have come up to the Department for its consideration. The examinations in all these cases are characterized by an evident want of appreciation of the requirements of a record that must go through the process of a careful review. They fail

to contain various of the elements which are deemed necessary to assure this office that every material fact which would tend to establish the true status of the applicant has been earnestly sought for and that all available sources of information have been exhausted.

In the letter of instructions to the Commission, approved August 8, 1899, this office said:

"The rolls as made upon by your commission must, to become final, receive the approval of the Secretary of the Interior. It will therefore be necessary for you to make a record in all cases sufficient to enable this office and the Department to take intelligent action in the premises, and especially in those cases where your decision either for or against the right of any person to have his name appear on the rolls is complained of."

Also in office report of November 13, 1899, it was suggested:

"As all cases passed upon by the Dawes Commission, wherein the decision of said Commission is complained of, will come before this office and the Department on appeal, from said decision, ----------therefore it would seem that the record should be full and complete."

In letter of the Department of December 26, 1899, the subject was further discussed, as follows:

"All applicants for enrollment, must, under the regulations approved August 8, 1899, present themselves in person, and whenever it appears to the Commission that it is without jurisdiction it should deny the application and should file and retain such papers as have been presented in support of the application and should make a complete record of the matter, explicitly stating therein the grounds upon which the application is denied, and should advise the parties in interest in writing, of the decision, in order that the matter may be considered by the Secretary of the Interior when the rolls are presented for approval."

An examination of the records in question will hardly

justify the conclusion that the instructions quoted have been literally or in spirit, carried out. The records and testimony do not come within the term "full", neither can they be said to be "complete."

The Choctaws in Mississippi at the time of the negotiation of the treaty of Dancing Rabbit Creek were nearly all full-blood Indians, having no education whatever, and still following the old tribal customs in regard to the names of individuals. There was no way in which a family could be traced through a surname. The descendants of these people have adopted family names founded on the English equivalent of the Indian names or, as in most cases, have adopted or been given some name of the white man, arbitrarily. This makes it hard to connect the Indian of today, with an established family name, with an Indian of 1830 whose name perished with him. (See report of the Commission of March 10, 1899, to which was attached schedule of names of Mississippi Choctaws who had been enrolled by them in Mississippi.)

Still, in an examination such as should be conducted in these cases, involving a right of inheritance of such importance, this question should be gone into very thoroughly, as it is the gist of the whole matter. The question of the line of descent being of first importance, special stress should be laid upon it in the examination of witnesses and every fact sought for diligently.

The goverment has, at different times attempted to make complete

rolls of all Choctaws who remained in Mississippi under the provisions of the treaty of 1830, and several lists of such members of the tribe are in the possession of this office and could be made accessible to the Dawes Commission. The government must take cognizance of its own records, and while in many instances it will be possible to secure proof connecting the applicant of today with a name on any of these rolls, it will be of the greatest value wherever it can be done, especially so if the name be found on rolls made under the provisions of the 14th or 19th or other articles; therefore the examination should be especially careful on that point. In a great many of the cases now before the office no questions are asked with reference to ancestors back of the father or mother. It is sufficient to say that that is no such examination as is called for by the circumstances.

In all these cases the applicants have been asked as to whether they or their ancestors have ever been recognized as being members of the nation by the tribal authorities, or been enrolled as such. These questions are not qualified or explained in any instance, although there are numbrous reasons why they should be. If the ancestors were not recognized as members of the tribe by the tribal authorities in Mississippi before 1830, of course that would be conclusive; but as to recognition by the tribal authorities in Indian Territory of Choctaws who are still in Mississippi or who have never been in Indian Territory, it is a matter of small importance.

This office does not at present find it necessary to discuss the questions involved in the $100. fee for enrollment provided for by the Choctaw laws, but if a person rightfully entitled to enrollment otherwise had been rejected for want of the fee, it might become a question of first rank. There may be others who, because of poverty and inability to raise the one hundred dollars, never attempted to secure enrollment while knowing themselves fully entitled thereto. The fact, if it be a fact, would be important in the record.

Under the head of "recognition", as used in the questions in these cases, where the candidates for enrollment testify to having occupied tribal lands for years, the Commission should have carefully inquired into the character of the occupancy, whether it was under a permit, lease, or as a citizen of the Nation fully entitled to share in the privileges of citizenship. No attempt has been made to draw out this class of information from any of the parties, yet it is a very necessary element in arriving at a correct decision in the case.

The 14th article of the treaty of 1830 was followed up by a series of negotiations, investigations, legislations and treaties which presents one of the most troublesome questions that confront the Indian Office. Its provisions required those members of the tribe desiring to remain in Mississippi under its stipulations to

notify the agent of their intention so to do within six months after the ratification of the treaty; but the agent did not receive instructions to record such notifications until within sixty days of the expiration of the period. He was very hostile to having any of the Indians remain, and put every obstacle possible in the way of recording their intention, besides being a large part of the time intoxicated and unfit for transacting any class of business. He only enrolled 143 heads of families as desiring to remain, while, as a matter of fact about 7000 persons did actually remain. Complaint was so general and strong of the behavior of ward, the Agent, and the denial of the privileges to so many by his acts, that Congress on March 3, 1837, provided for a commission to go to Mississippi to enroll all the Choctaws who still remained there, which commission duly performed its labors and reported. This was followed by legislation for issuing scrip to such Choctaws as were, because of the failure of Ward to enroll them, deprived of their lands in Mississippi in lieu thereof, which scrip might be used wherever public land could be found still open to settlement, in the States of Mississippi, Louisiana, Alabama, or Arkansas. There was scrip issued under this law, to 1158 heads of families, 1470 minors over 10 years of age and 1219 children under 10 years of age, while 292 heads of families, representing 860 persons applied for scrip and were denied.

The law of 1842 provided that certificates could not be issued

for more than half of the land found to be due those Indians, the balance to be held by the government until after removal to the Choctaw territory west of the Mississippi river. Under instructions issued by the Secretary of War, October 10, 1844, the agents were prohibited from paying over the scrip deliverable east until the parties to whom the certificates were payable should be prepared to to remove west of the Mississippi river, and additional discretion was granted the agents to determine for themselves whether the scrip should be delivered before the Choctaws had crossed the Mississippi, or at what stage of the journey is should be delivered.

Under such a combination of facts and circumstances as is here presented with reference to the transactions under the 14th article of the treaty of 1830, a bare, unexplained question as to whether an applicant or any of his ancestors had ever claimed rights under that article, put to a witness who confesses to absolute ignorance of the provisions of that particular treaty or any of its articles, is falling far short of the duty of the examiners and is no such treatment of the subject as its importance demands. If an explanation of the dealings of the government under this treaty is not made to the parties and questions asked under it, the examination should be so conducted as to bring out all the facts obtainable that would throw light on the points involved. The acts connected with the issuance of the scrip and the circumstances surrounding its delivery resulted in scattering members of the tribe throughout the

neighboring States, separating them from tribal associations and records, subjecting them to hardships that were not contemplated in the treaty, depriving them of the advantage of the usual method of proving genealogy among uneducated peoples, the recollection of the oldest citizens, and these claiming to be their descendants today should not have visited on them a continuation of the injustice of past times, but should have full opportunity to fully present their proof without unnecessary obstacles being placed in their way.

The character of examination resorted to by the Dawes Commission in the cases under consideration is not such as would aid the witnesses in bringing out all the facts which might have been available. It should have been much more complete and greater effort made toward thoroughness.

Some of the cases show that brothers and sisters necessarily having a common ancestry, with no proof of different conditions surrounding them, have been enrolled by the Commission and other brothers or sisters have been admitted by the United States courts, while the parties in these cases have been rejected and no showing is made in the record why the one is taken and the other left. In fact, notwithstanding the instructions of this office and of the Department, which are reproduced herewith, requiring that the grounds of rejection be set out in the judgment rendered by the Commission, no pretence has been made to comply with those instructions, and a

single form, general in character, and not specific, as the instructions call for, has been used in each case.

This office is of the opinion that the records under consideration do not exhibit that degree of care which is chargeable to a government agency for the determination of important interests, and it is due to the government, the individuals and the Choctaw Nation that there be no just ground for complaint on account of a lack of thoroughness on the part of the governmental agencies.

In view of the reasons set out herein, of the need of a more complete investigation of this case, the recommendation heretofore made is reiterated that the papers be returned to the Commission to the Five Civilized Tribes with such instructions as the Department may deem proper.

Very respectfully,

Your obedient servant,

A. C. Tonner,

Acting Commissioner.

E. B. H.

(C)

Muskogee, Indian Territory November 14, 1901.

Simon Gentard,

Tamaha, Indian Territory.

Dear Sir:

In the matter of your application for identification as a Mississippi Choctaw, you are advised that under date of June 10, 1901, the Secretary of the Interior transmitted to this Commission the record theretofore forwarded for approval, with instructions that an opportunity be afforded you to present such further testimony as you may be able to produce in support of your application.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, on Saturday, December 21, 1901, at nine o'clock A. M. there will be heard the testimony of such witnesses as present themselves in person in support of your application.

Yours truly,

Acting Chairman.

W. C. RO

COPY

T.C.R. 80.

Muskogee, Indian Territory June 27, 1902.

Lizzie Woodard, Remailed Longview Texas. Sept 25. 1903. Care Frank B. Brown
Dupont, Indian Territory.

Dear Madam:

You are hereby advised that on the 16th day of June, 1902, the Secretary of the Interior affirmed the Decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lewis Woodard, et al., of which decision you were advised by registered mail on the 16th day of May, 1902.

Yours truly,

Commissioner in Charge.

M C R 78
M C R 79
M C R 80

Muskogee, Indian Territory, September 25, 1903.

Frank B. Brown,

Longview, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, in reply to our communication of the 10th instant. You ask what steps should be taken towards settlement of the Mississippi Choctaw claims of Louis, Marry and Lizzie Woodard.

In reply you are informed that it appears from our records that on June 16, 1902, the Secretary of the Interior approved the decision ~~[illegible]~~ commission refusing the several applicants included in the consolidated Mississippi Choctaw case of Lewis Woodard, et al., of which the applications of Mary and Lizzie Woodard are a part.

The several applicants were duly notified of such departmental action on June 27, 1902, at Durant, Indian Territory, their last known post office address. Said letters were returned to this office marked "unclaimed" and are this day remailed the applicants at Longview, Texas, in your care.

The Commission now considers this case closed.

Respectfully,

Chairman.

M.C.R. 80

Muskogee, Indian Territory,

Lissie Woodard, Remailed Longiewt Texas Sept. 25. 1903.
Durant, Indian Territory. Care Frank R. Brown

Dear madam:-

You are hereby advised that on the 13th day of May, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lewis Woodard, et al., embracing the following applications for identification as Mississippi Choctaws:

Lewis Woodard, et al.,	M.C.R. 78
Mary Woodard,	M.C.R. 79
Lissie Woodard,	M.C.R. 80

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the twentyfirst section of the act of Congress of June 28, 1898(30 Stats. 495) is as follows:

' Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of Lewis Woodard, Callie Woodard, Mary Woodard and Lissie Woodard as Choctaw Indians entitled to rights in the Choctaw lands under the provision of law above quoted, and that the application for their identification as

such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

Registered.

MEMORANDA.

(Date) June 15-1900. Durant, I. T.

Name Lizzie Woodard (22)

Choctaw ? Miss. County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? Yes. (3/4) Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Wife's name .....

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

Names of children:

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Lewis Woodard (father) (3/4) ✓

Ann Woodard (mother) Dead

Lizzie Woodward

vs.

Choctaw Nation

Miss. Choctaw *Case No.* 80

Original testimony and all papers filed in this case forwarded Secretary of Interior,

December 3, 1900.

RECEIVED

Lizzie Hardward

REFER TO M. C. R. 78

Judgment rendered

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUDGMENT RENDERED AND COPY
MAILED APPLICANT,

SEP 7 1900

ACTING CHAIRMAN.

Department of the Interior,
RECEIVED
MAY 2 1901
Enclosure 03 of No. 2038
Secretary's Division.

61036	Indian Office. Incl. No. 81	1900
31344	Indian Office Incl. No. 3	1901

Choctaw MCR 81

William W. Quillin

MCR 81

See MCR 82, 83, 84, 95, 109, 110, 236, 326, 360, 362, 364, 365, 469, 482

CHOCTAW.

Allen H. Quillin

REFER TO M. C. R.

Allen H. Quillin et al
Benj. F. Quillin et al
Thomas Quillin et al
W. J. Stanfield
Cam C. Quillin et al
Teressa C. Quillin
36 Charles E. Quillin
46 William E. Quillin et al
60 Minerva C. Viars et al
62 Florence Bone et al
64 Amanda C. Jamison et al
65 Mary E. Stanfield et al
69 Charles C. Quillin et al
92 Mary A. Montgomery et al

REFUSED. MA

DECISION RENDERED

NOTICE OF DECISION MAILED APPLICANT MAR 2 1902
NOTICE OF DECISION
FORWARDED ATTORNEY MAR 2 1902
FOR APPLICANTS
NOTICE OF DECISION MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. MAR 1902

RECORD FORWARDED DEPARTMENT. 1902

DECISION APPROVED BY SECRETARY OF INTERIOR. MAR 22 1902
NOTICE OF DEPARTMENTAL
DECISION MAILED APPLICANT. MAR 2 1902
NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAR 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS.

William H. Quillian

JACKET No. 2

Miss. Choc. by Blood.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLBERT, IND. TER., JUNE 15, 1900.

In the matter of the application of WILLIAM WILBURN QUILLIN for identification as a Mississippi Choctaw by blood, said applicant being sworn by Acting Chairman Bixby, testified as follows:

By the Commission:
Q Please state your name? A William Wilburn Quillin.
Q Do you make application for identification as a Mississippi Choctaw? A Yes, a Mississippi Choctaw by blood.
Q What is your age? A I am 72 years old 22nd day of next month.
Q What is your postoffice? A Arthur, Indian Territory.
Q In the Choctaw Nation? A Chickasaw Nation.
Q Do you live at Arthur? A Right in sight of it.
Q How long have you lived in the Chickasaw Nation? A I have lived there about 6 months there at Arthur.
Q Where did you live before living at Arthur? A I lived at Oscar in the Chickasaw Nation.
Q How long did you live? at Oscar? A I lived there about one year.
Q Where did you live before you lived at Oscar? A Comanche, Indian Territory.
Q How long did you live at Comanche? A About five months.
Q Where did you live before you went to Comanche? A I lived in Oklahoma.
Q How long did you live there? A About four years.
Q Where did you live before that? A In Texas.
Q How long did you live in Texas? A About 58byears.
Q Born in Texas? A No sir.
Q Where were you born?in A In the State of Mississippi.
Q How long did you live in Mississippi? A About five years.
Q Where did you go from there? A I went from there down into the Choctaw nation between Boggy (and) Kiamish.
Q How long did you stay there? A Between 3 and 4 years.
Q Where did you go then? A Moved up the river above the mouth of Washita on the Texas side.
Q Then you lived in Texas from that time until the time you went to Oklahoma? A Yes.
Q What was the name of your father? A Charles Quillin.
Q Is he living? A No sir.
Q How long has he been dead? A Ever since September, 1838.
Q Was he a white man or a Chockatw Indian? A I never was able to learn myself individually, he died while I was small and never heard my mother say whether he was a Choctaw or not. Other people say he was.
Q You do not know what proportion of Choctaw blood he claimed, do you? A No sir, I don't.
Q Do you know how he looked? A He was black-headed and black-eyed, inclined to be dark skinned.
Q Looked like most any ordinary white man? A yes.
Q Do you claim your rights to citizenship as a Mississippi Choctaw through him or your mother? A My mother.
Q What was the name of your mother? A Mary Quillin.
Q Is she living? A She is dead.
Q When did she die? A In February '54.
Q Was she a Choctaw Indian or a white woman? A I think she was from [illegible] Indian.

her appearance and looks about half Choctaw Indian.
Q Can you swear positively at this time that she was half Choctaw Indian? A I cannot swear that she was positively that much, but looked to me like about half blood Choctaw Indian.
Q Did she ever live in the Indian Territory? A Yes.
Q When? A She lived in the Indian territory from '33 to '36 or '37 I wont be positive about that?
Q That's all the time she ever lived here from '33 to '37 ? A Yes.
Q Was she recognized by the tribal authorities of the Choctaw Nation as a Choctaw Indian at that time ? A Yes.
Q Do you know whether her name ever appeared upon any of the tribal rolls at that time? A I don't know.
Q Was your father ever recognized by the tribal authorities of the Choctaw Nation as a Choctaw Indian? A I don't know.
Q Does your name appear upon any of the tribal rolls as a Choctaw Indian? A I don't know whether it does or not; I have never examined. I never remember being enrolled-- if I was enrolled it was when I was very small.

Tribal rolls of citizens of the Choctaw Nation now in the possession of this Commission are examined and the name of William Wilburn Quillin is not found thereon.

Q Did you ever make application to the lawfully constituted authorities of the Choctaw Nation for citizenship in that Nation? A No sir, I never did to the Choctaw authorities.
Q Did you make application to the Commission to the Five Civilized Tribes, commonly known as the Dawes Commission, in 1896 for citizenship in the Choctaw Nation? A No sir.
Q Did you ever before appear before ~~this~~ the Dawes Commission as an applicant for enrollment? A Last summer.
Q Where? A Durant.
Q When you appeared at Durant last year you did not state to the Commission that you claimed as a Missippi Choctaw, did you? A I reckon I just claimed a s a Choctaw by blood-- I never knew at that time there was any difference in the two.
Q You did not know that there was any difference between a Mississippi Choctaw and a Choctaw by blood? A No sir, I just supposed that a Mississippi Choctaw and a Choctaw by blood were the same, and had the same rights and priviliges.
Q Since then you have learned that there is a difference between an application for enrollment of a Mississippi Choctaw and a Choctaw by blood? A I hear them talking about it, but I don't know what the difference is.
Q Are you married? A yes.
Q What is your wife's name? A Kizziah Elizabeth Quillin.
Q Do you make any claim for your wife? A yes.
Q Is she a white woman? A Yes.
Q How do you claim citizenship for her-- upon what grounds? A My being a Choctaw Indian.
Q When and where were you married to your wife? A I was married in Grayson county, Texas, in June 1854.
Q Have you ever been married more than once? A I have not.
Q You were not married under the Choctaw laws here? A No sir.
Q Do you desire to offer in evidence at this time your marriage license and certificate? A (Attorney B. S. Johnson, for applicant, says: "We want to file the marriage license later")
Q Have you any children by this marriage? A yes, four living.
Q Are any of them under 21 years of age? A No sir, all over.
Q Then you apply for yourself as a Mississippi Choctaw by blood? A Yes.

Q For your wife as an intermarried Mississippi Choctaw? A Yes.
Q Under what treaty do you claim your rights as a Mississippi Choctaw? A I claim under all the treaties between the U.S. Government and the Choctaw Nation.
Q Then you do not base your claim upon any particular treaty between the Choctaw nation and the United States? A If I did it would be more upon the treaty of 1830. According to what I said I would have to take it under all of them.
Q Do you claim anything under the provisions of the treaty of 1837. A I don't know what that was.
Q Do you claim anything under the provisions of the Treaty of '66. A I don't know what that is.
Q Do you claim anything under the Supplement to the treaty of Dancing Rabbit Creek? A If I understant that is under the Treaty of 1830, we claim right under that.
Q You claim under the Supplement then of the Treaty of 1830 particularly? Do you claim specifically under that part of the Treaty? A I don't know what the specific parts of the treaty are only that the Treaty of 1830 is the one my mother told me my father came to this country (under?) She told me my father gave up his land in Mississippi under the Treaty of 1830 and moved here.
Q You moved with your father and mother when the first lot of Choctaws moved from the State of Mississippi to their new home in the Indian territory? A Yes.
Q Your father and mother gave up their lands and mowdd to Indian Territory? A Yes and settled between Boggy and Kiamish.
Q The how ling did your father and mother and yourself remain here in the territory before you left the country? A Between 3 and 4 years.
Q Did you ever go back to Mississippi? A No sir.
Q Nor your father or mother ever did? A No sir.
Q Now Mr. Quillin, do you claim any rights under Article 14 of the Treaty of 1830? A I could not say whether I did or not.
Q Do you? A I don't know what that article is.
Q Then you don't know whether you base your claim specifically under that article or not? A If I take under the Treaty of 1830 I claim under that.
Q Do you claim specifically under Article 14 of the Treaty of Dancing Rabbit Creek? A I claim something under that article from the reason that I claim under any and all treaties heretofore entered into between the Choctaw Nation and Government of the United States.
Q You do not claim under Article 14 alone of the Treaty of 1830 then A I just claim under the treaty of 1830 I don't know anything about what the other is.
Q Did either you or any of your ancestors ever take advantage of the provisions of Article 14 of the Treaty of 1830? A I never did. If my ancestors did I do not know it.
Q Did either you or your ancestors ever receive any lands as beneficiaries under the 14th Article of the Treaty of 1830-- that is, received any lands in Mississippi there? A No they did not receive any lands there--they gave up their lands in Mississippi, and moved to the Indian territory.
Q You are sure then that neither you nor your ancestors ever receiv any lands in Mississippi under Article 14 of the Treaty of 1830? A Yes, I am certain of that.

By Mr. Johnson, his attorney:
Q Where did you say you were born? A Born in the State of Mississippi.

Q In what year? A 1828.
Q What was your mother's maiden name? A Mary Seymore.
Q Do you claim under your mother or your father? A I claim under my mother.
Q What degree of blood was she? A As far as I can make out I think she was something near a half ~~[illegible]~~ blood Choctaw Indian. She told me so often.
Q What year did your father and mother move to the Indian territory? A They moved there in the year '33.
Q Now you stated awhile ago that you claimed to be a Mississippi Choctaw Indian by blood, I believe? A Yes.
Q What do you mean by that-- that you descended from the Mississippi Choctaw tribe? A Yes, that is what I mean by that.
Q You were about how old when you moved from Mississippi to this country? A I was about five years old.
Q How old were you when your mother died? A I was about 34 years old.
Q Now then you stated that you claimed under all the treaties, but did not know what they were? A Yes.
Q You stated that you did not know that the 14th article of the Treaty of 1830 was-- was that what you stated? A Yes.
(Mr. Johnson asks leave to file papers later.)
By the Commission:
Evidence of William Wilburn Quillin marked Exhibits A and B placed on file.
Q Is there any additional statement in regard to your case that you desire to make at this time? A Yes, I don't think that you have it all. I made a statement in regard to who my mother was-- that she was Mary Seymore and that my grand mother was Mary Garland and that Mary Garland had three brethers and may be more-- there was James Garland, John Garland, Samuel Garland. I think I heard my mother speak of William Garland.
(Mr. Johnson asks permission to introduce a copy of the records and documents made for the Secretary of war submitted to the 22nd and 23rd Congresses identifying James, John and William Garland. These papers to be filed at a later date.)
By the Commission:
Q What is the name of your wife's father? A Elijah Hartsog.
Q The name of your wife's mother? A Mary Hartsog.
Q Is she living or dead? A Dead.
By the Commission:
The decision of the Commission on the application of yourself for identification by blood and of your wife as an intermarried Mississippi Choctaw will be furnished you in writing at a later date, mailed to your present postoffice address.

Brown McDonald, being sworn by Acting Chairman Bixby, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the above named witness, and that the foregoing is a true, full and correct copy of his transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 20th day of June, 1900, at Muldrow, Indian Territory.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
ATOKA, INDIAN TERRITORY, NOVEMBER 12, 1901.

In the matter of the application for identification as a Mississippi Choctaw of William W. Quillin, and the application made him on behalf of his wife, Kizia Quillin as an intermarried Mississippi Choctaw, M.C.R. 81

In the matter of the application for identification as Mississippi Choctaws of Allen H. Quillin and his two minor children, and the application made by him for his wife, Arrie E. Quillin, as an intermarried Mississippi Choctaw, M.C.R. 82

In the matter of the application for identification for identification as a Mississippi Choctaw of Benjamin F. Quillin and the application made by him on behalf of his wife, Fannie Quillin as an intermarried Mississippi Choctaw, M.C.R. 83

In the matter of the application for identification as Mississippi Choctaws of Thomas Quillin and one minor child, and the application made by him on behalf of his wife, Lou Quillin as an intermarried wississippi Choctaw, M.C.R. 84

In the matter of the application for identification as a Mississippi Choctaw of William J. Stanfield, M.C.R. 95

In the matter of the application of Cam C. Quillin for the identification of himself and one minor child as Mississippi Choctaws and the application made by him on behalf of his wife, Fairy Quillin as an intermarried Mississippi Choctaw, M.C.R. 109

In the matter of the application for identification as a Mississippi Choctaw of Teresa C. Quillin, M.C.R. 110

In the matter of the application for identification as a Mississippi Choctaw of Charles E. Quillin, M.C.R 236

In the matter of the application for identification as Mississippi Choctaws of William E. Quillin and his four minor children, and the application made by him on behalf of his wife Tennessee E. Quillin as an intermarried Mississippi Choctaw, M.C.R. 326

In the matter of the application for identification as Mississippi Choctaws of Minerva C. Viars and one minor child, and the application made on behalf of her husband, John B. Viars, as an intermarried Mississippi Choctaw, M.C.R. 360

In the matter of the application for identification as Mississippi Choctaws of Florence Bone and two minor children, and an application made by her on behalf of her husband, Robert H. Bone as an intermarried Mississippi Choctaw, M.C.R. 362

In the matter of the application for identification as Mississippi Choctaws of Amanda C. Jamison and four minor children, and an application made by her on behalf of her husband Frank G. Jamison as an intermarried Mississippi Choctaw, M.C.R. 364

In the matter of the application for identification as Mississippi Choctaws of Mary E. Stanfield and one minor child and an application made by her on behalf of her husband Joseph Stanfield as an intermarried Mississippi Choctaw, M.C.R. 365

In the matter of the application for identification as Mississippi Choctaws of Charles C. Quillin and his four minor children, and an application made by him on behalf of his wife, Bessie J. Quillin, as an intermarried Mississippi Choctaw, M.C.R. 469.

In the matter of the application for identification as a Mississippi Choctaw of Mary A. Montgomery, and an application made by her on behalf of her husband, George Montgomery, M.C.R. 482.

TRANSCRIPT OF PROCEEDINGS HAD ON REHEARING IN THE ABOVE ENTITLED CAUSE UPON CONSOLIDATION BEFORE THE COMMISSION TO THE FIVE CIVILIZED TRIBES AT ITS OFFICE AT ATOKA, CHOCTAW NATION, INDIAN TERRITORY, ON TUESDAY, NOVEMBER 12, 1 9 0 1 .

In accordance with the letter of the Commissioner of Indian Affairs of July 31, 1901, remanding to this Commission for further hearing the case of Cam C. Quillin, et al. and William E. Quillin, et al. and under the instructions contained in Departmental letter of July 25, 1901, the cases of these several applicants have been combined for the purpose of introduction of additional testimony in support of the applications, the applicants herein being the descendants of the same common ancestor, Mary Semore, who married Charles Quillin.

Notice of the hearing of such additional testimony was sent the several applicants herein and their attorneys and the attorneys for the Choctaw and Chickasaw Nations, Messrs Mansfield, McMurray & Cornish, at South McAlester, Indian Territory, on September 15,1901

APPEARANCES:

Chester Howe,
J. A. Templeton,
Attorneys for the applicants

No appearance on the part of the Choctaw and Chickasaw Nations.

The attorneys for the applicants, for the purpose of clearing the record, move to dismiss the applications of Kizia Quillin, wife of William W. Quillin, Arrie E. Quillin, wife of Allen H. Quillin, Lou Quillin, wife of Thomas Quillin, Joseph Stanfield, husband of Mary E. Stanfield , Fairy M. Quillin, wife of Cam C. Quillin, Teresa C. Quillin, wife of Charles C. Quillin, Tennessee E. Quillin, wife of William E. Quillin, Robert H. Bone, husband of Florence Bone, nee Quillin, Bessie J. Quillin, wife of Charles C. Quillin, Frank G. Jamison, husband of Amanda Jamison, nee Quillin, George Montgomery, husband of Mary A. Montgomery, nee Quillin, and Fanny Pullen Quillin, wife of Benjamin F. Quillin, the claims of said parties being based

solely on the fact of intermarriage with the applicants for identification as Mississippi Choctaws.

The motion of the attorneys for the applicants to clear the records by dismissing the above named applications for intermarried claimants is granted.

Here the attorneys for the applicants have present at this time Charles C. Quillin, Mrs. K. E. Quillin, Cam C. Quillin and Teresa C. Quillin, applicants herein and parties to this consolidated case, and offer said parties for cross examination by the attorneys for the Choctaw and Chickasaw Nations and further offer to produce for such cross examination any of the parties to this record or any person whose affidavit is filed therein, uponrequest, stating that on account of the great expense all of said parties are not produced at this time before the Commission at Atoka.

Here the attorney for the applicants offers for the examination of the honorable Commission the witnesses above named, and further tenders to said commission any other applicants or witnesses in said cause upon request by the Commission.

Commission: In this consolidated case I understand, Mr. Howe, that you state the names of the parties who are here present before the Commission at this date ready to furnish testimony in this case, and also state that other parties will be produced here before the Commission upon request either of the Commission or of the attorneys for the Choctaw Nation, and further state that they are not produced here at the present time because of the great expense incidental in procuring the personal attendance before the Commission. I would like to ask you if they were produced here if their testimony would be cumulative in character or not.

Mr. Howe: Such is the judgment of the attorneys in the case and for that reason they are not brought before the Commission at this time.

Commission: And it is your opinion as counsel for these parties that the interests of all of them will be subserved better by their non-introduction here for the reason of the expense and for the reason that their testimony would be simply cumulative?

Mr. Howe: A Yes, a simple saving of expense both to the applicants and the government, and also a saving of time for the Commission.

Cam C. Quillin, having been first duly sworn, testifies as follows on behalf of the applicants:

Examination by the Commission.

Q What is your full name? A Cam C. Quillin.
Q What is your age? A Thirty two.
Q What is your post office address? A Sherman, Texas.
Q Are you an applicant before this Commission in this consolidated case of William W. Quillin appearing for the purpose of being identified as a Mississippi Choctaw? A Yes sir.
Q What is the name, Mr. Quillin, of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw?
A Well, I claim under my grandmother, Mary Semore.
Q Mary S-e-m-o-r-e? A Yes sir.

Q That is your grandmother? A Yes sir.
Q You claim through which of your parents, father or mother?
A My father.
Q What was his name? A Charles C. Quillin.
Q Is he living or dead? A Dead.
Q When did he die? A In June '69.
Q How old was he when he died? A Somewhere about forty years old.
Q Do you remember what year he was born? A He was born in 1828.
Q Where was he born? A In Mississippi.
Q What place in Mississippi? A Holly Springs.
Q How much Choctaw blood did he have? A One fourth.
Q He claimed through which parent, his father or mother? A His mother.
Q And her name was what? A Mary Semore.
Q That was her maiden name? A Yes sir.
Q And she married whom? A Charles Quillin.
Q Did Charles Quillin have any Choctaw blood? A No sir.
Q How much Choctaw blood did Mary Semore, your grandmother have?
A One half.
Q Where was she born? A In Mississippi.
Q What place in Mississippi? A I don't know whether she was born near Holly Springs or not, but all we know about the family they were living near Holly Springs.
Q Did you state when she was born? A No sir.
Q Do you know? A I have heard it was 1801.
Q How did you hear that? A Well, I heard my uncle speak about it; it was my uncle, W. W. Quillin.
Q He stated that one was born in 1800 and one in 1801.
Q What do you mean by one being born in 1800 and one in 1801? A My uncle, W. W. Quillin stated that his father Charles Quillin was born in 1800 and that his mother was born in 1801.
Q Is William W. Quillin living or dead? A He is dead.
Q When did he die? A Last November.
Q Where did he die? A I don't know; in the territory somewhere, but I don't know where.
Q Did Mary Semore have a Choctaw Indian name? A I don't know whether she did or not; we don't know what any names were back of her.
Q Did she speak the Choctaw language? A I don,t know; I didn't know her at all.
Q Then according to your family history and the information that has been derived through the family in reference to her age, she would be about a hundred years old if living now? A Yes sir.
Q Who is Charles C. Quillin; Cam or Charles C. Quillin.
Q Charles C. Quillin is my father; Cam C. is myself.
Q On this chart here, (referring to family table made by Commission) it says Charles or Cam? A That is my father.
Q Was he called Cam? A Yes sir.
Q And you were called Cam for him? A Yes sir.
Q When did your father die? A Died in 1869.
Q And how old was he when he died? A Somewhere near forty.
Q Where was he born? A In Mississippi.
Q Where in Mississippi? A Near Holly Springs.
Q When did he move from the state of Mississippi? A Well, I don't know; it is only hearsay.
Q What did you hear in the family with reference to his removal?
A That he left there some time in the thirties.
Q Went to Texas? A No, that they came to the Indian Territory.
Q At what time, if you can tell exactly, did he move from Mississippi to the Indian Territory? A Well, I don't know; I have heard them speak about it being the early part of the thirties.

Q Did he move from Mississippi to the Indian Territory with the other Indians who came here under the charge of the government between 1833 and 1839? A Well, it is my understanding that he come here with the Indians but somewhere in the early part of the thirties; it was not in the latter part.
Q Did you understand that your father came to the Choctaw Nation Indian Territory, pursuant to the conditions or provisions of the treaty of 1830? A Well, I don't know that.
Q Did he have any brothers or sisters? A He had one brother.
Q What was his name? A W. W.
Q William W.? A Yes sir.
Q Your mother's name was what? A Teresa C. Hartzog.
Q Did she have any Choctaw blood? A No sir.
Q What was your uncle, William W. Quillin's wife's name?
A Kizzia Elizabeth Hartzog.
Q Was she a sister of your mother? A Yes sir.
Q And she was a white woman? A Yes sir.
Q Can you give the names of the children of Charles C. Quillin and Teresa C. Quillin, your father and mother? A Yes sir.
Q Now if you will state the oldest? A Charles E. Quillin?
Q Is he living? A Yes sir.
Q The next? A Mary E. Quillin or Mary E. Stanfield.
Q Mary E. Quillin married this Joseph A. Stanfield? A Yes sir.
Q Has Charles E. any children? A No sir, he has no children.
Q Now give the names of the children of Mary E. and Joseph Stanfield?
A The oldest one is William J. Stanfield.
Q Next? A The youngest one is Nellie Lee.
Q Are either of these married? A No sir.
Q Now give the name of your next brother or sister? A T. J. Quillin.
Q Thomas J. Quillin? A Yes sir.
Q Whom did he marry? A He married Lou Smith I believe.
Q Have they any children? A Not now.
Q Did they have one? A Yes, Frank Quillin.
Q Is he dead? A Yes sir.
Q When did he die? A Why, he died last spring.
Q In the spring of 1900? A No, the spring of 1901.
Q Now the next? A Minerva C. Quillin.
Q She married whom? A She married John B. Viars.
Q Have they any children? A One.
Q What is the name of that child? A Frances.
Q Girl? A Yes sir.
Q Is she living now? A Yes sir.
Q The name of the next brother or sister? A Amanda C. Jamison.
Q Amanda C. Quillin who married whom? A Frank G. Jamison.
Q Is she living? A Yes sir.
Q Have they any children? A They have four boys.
Q Now if you will state them? A Joseph C., William J., David K. and Charley, I don,t know whether he has any initial or not.
Q Charles F. Are these children all living? A Yes sir.
Q Now the name of the next brother or sister? A B. F. Quillin, a brother.
Q Benjamin F.? A Benjamin F. Quillin.
Q Is he married? A Yes sir.
Q Whom did he marry? A Fannie Wood.
Q Have they any children? A They have one.
Q What is the name of that child? A I don't know the name of it.
Q When was that child born? A September.
Q September of the present year? A Yes sir.
Q What date? A I don't have any idea.

Q Where was it born? A In the Territory.
Q Where in the Territory? A I think close to Marlow.
Q Now give the name of the next brother or sister? A Florence Bone.
Q Florence Quillin, married whom? A Robert H. Bone? A
Q Are they living? A Yes sir.
Q Have they any children? A Yes, sir, two.
Q Give their names? A One of them is named Catherine Bone. The next one is Tommie.
Q Is that a boy? A Both of them girls.
Q And you come the next? A Yes sir.
Q You married Parrie M. Dennis, and you have how many children.
A Alberta Quillin and Charles Quillin.
Q Both living? A Yes sir.
Q Can you give the name of the next brother or sister? A That is all
Q When was this last child born? A August.
Q August what date? A August 31.
Q The 31st of August, 1901. Where was this child born? A Sherman, Texas.
Q Did you give me its name? A Charles.
Q That is your family then? A Yes sir, that is our family.
Q Can you give me the names of the children of your uncle, William W. Quillin? A Yes sir.
Q The oldest one? A William E. Quillin.
Q Whom did he marry? A I don't know whom he married and I don't know his children.
Q The name of the next child of William W. Quillin? A He is Charles C. Quillin.
Q Do you remember whom he married? A No sir, I don't.
Q Do you know his children? A No sir.
Q The name of the next son or daughter of William W. Quillin?
A Why, Mary A. Montgomery.
Q Mary A. Quillin who married whom? A George Montgomery.
Q Have they any children? A No sir.
Q The name of the next? A Allen H. Quillin.
Q Whom did he marry? A I don't know.
Q Have they any children? A I don't know.
Q Is this all of the grandchildren of the members of your family who claim through Mary Semore and Charles Quillin? A Yes sir.
Q Can you give the exact date when your father, Charles C. Quillin moved from Mississippi to the Choctaw Nation? A No sir.
Q Can you tell where he settled when he came to the Choctaw Nation, Indian Territory? A I have heard that they settled on a creek what they called Boggy; I don't know whether that is the name or not, I think that is where they settled.
Q About what year did you say you understood they came? A In the early part of the thirties, I don't know what year it was.
Q You have no knowledge or information whether or not your father came with the other Indians between 1833 and 1838? A Well, I have heard that they did; I have heard my uncle, W. W. Quillin say so.
Q Did you ever hear that they came under the charge of the officers of the government when the other Indians were moved? A Yes sir.
Q Who came with your father at that time, what members of the family?
A Why, it was just my grandfather and his wife.
Q Your grandfather; His name was what? A Charles Quillin.
Q Your father's father? A Yes sir.
Q And his wife Mary Semore, through whom you claim now.
A And their two sons, my father and my uncle, and my grandmother's two brothers, John and James Semore.
Q Was your father married at that time? A Yes sir.

Q To Teresa C. Hartzog? A No, my father was not; I thought you were speaking of my grandfather.
Q How old was he at that time? A I don't know he was a small fellow.
Q Was William W. Quillin married at that time? A No sir.
Q Then both your father and your uncle married after they came to the Indian Territory? A No, they married after they went to Texas.
Q They went from the Indian Territory to Texas? A Yes sir.
Q How long did your father remain in the Territory before he went to Texas? A I don't know.
Q Three or four years? A I have no idea.
Q Well, after they moved to Texas, both your father, Charles C. Quillin and your uncle William W. Quillin went to Texas and married?
A Yes.
Q They married sisters? A Yes sir.
Q Their family name Hartzog? A Yes sir.
Q And has your father and his family and all the members of it, together with yourself and your family resided in the state of Texas ever since? A Part of my brothers have lived in the Territory. I have always lived in Texas.
Q Who of your brothers have lived in the Territory? A Charles E. Quillin has lived in the Territory for a great many years.
Q Charles C.? A Charles E.
Q That is your oldest brother? A Yes sir.
Q He has lived in the Territory; and who else? A Thomas J. and Benjamin F. and Mary E. Stanfield, they have all lived in the Indian Territory; the others have always lived in Texas and Tennessee.
Q Do you mean the Choctaw Nation in the Territory? A No sir, I mean some of them were in the Choctaw Nation and some of them were in the Chickasaw Nation.
Q Did some live in Tennessee? A I have a sister living in Tennessee.
Q Which one? A Florence Bone.
Q What part of Tennessee? A They live at a place called Hickory Wythe
Q And she is the only one who lives in Tennessee? A Yes sir.
Q And the others live either in Texas or the Territory? A Yes sir.
Q Did your ancestor Mary Semore who married Charles Quillin live in the old Choctaw Nation in Mississippi and Alabama in 1830? A I could not tell you; I don,t know.
Q She would be a hundred years old if living now? A Yes sir.
Q Born in 1801? A That is my understanding.
Q And born in the state of Mississippi? A That is my understanding.
Q Leaving the state of Mississippi some time after 1830 and subsequent to the ratification of the treaty of 1830? A I don't know anything about that.
Q Do you know anything bout that treaty of 1830? which was made between the United States Government and the Choctaw Indians in the old Choctaw Nation in the state of Mississippi? A No sir.
Q Do you know whether Mary Semore who married Charles Quillin moved from the old Choctaw nation to the new Choctaw Nation in the Indian Territory, pursuant to the provisions of that article? I mean pursuant to the provisions of the treaty of 1830? A I don't know; I don't know anything about that treaty.
Q You don't know anything about the circumstances of the removal or why they moved? A No sir.
Q Do you know whether she or any of your Choctaw ancestors owned any improvements on land in Mississippi or Alabama in 1830 or any time before that? A No sir, I don't know.
Q Did she or any of your Choctaw ancestors ever receive or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
Q Did she or any of your Choctaw ancestors claim any benefits under any other article of the treaty of 1830 or under the supplement of that treaty? A Not that I know of.
Q Do you know whether she or any of your ancestors claimed or re-

ceived any benefits whatever under any other treaty made between the United States government and the Choctaw tribe of Indians living in the old Choctaw Nation in Mississippi and Alabama, other than than the treaty of 1830? A No sir, I don't know anything about that.

Q Did she or any of your Choctaw ancestors ever receive any scrip from the United States Government as Choctaw Indians pursuant to the provisions of the act of Congress approved August wr, 1842?

A I don't know anything about it, no sir.

Q Did she or any of your Choctaw ancestrs ever appear before Colonel Ward, within six months after the ratification of the treaty of 1830 and tell him that they wanted to take advantage of article fourteen of that treaty? A I don't know.

Q Did she or any of your Choctaw ancestors appear before either the Commissioners appointed under act of Congress approved March 3, 1837, or before the Commission that was appointed by the act of Congress approved August 23, 1842, and claimed benefits as Choctaw Indians under article fourteen of the treaty of Dancing Rabbit Creek? A I don't know.

Q Do you know whether any of your Choctaw ancestors were prevented from claiming rights and privileges as Choctaw citizens or lands in the Choctaw Nation because of the charges or exorbitant fees asked them in the asserting of any such right or privilege?

A Not that I know of.

Examination by J. A. Templeton.

Q Mr. Quillin, from your family history and the history that you have derived from your uncle, William W. Quillin who is now dead, I will get you to state whether it was or was not your understanding that they came from Mississippi to the Territory in pursuance of that treaty with the Indians? A Well, I understood that they come with them, but I never heard them say anything about the treaty.

Q You never heard that discussed? A No sir.

Q Q What became, from your family history, what became of your grandmother's brothers John Semore and---

A My understanding is that they went back to Mississippi and died.

Q Is that a part of the family history? A That has always been my understanding about it.

Q Did you ever see your grandmother, Mary Semore? A No sir.

Q Where did she die? A She died at what is now known as Basin Springs in Grayson County, Texas.

Q With whom did she live at the time of her death. A She lived with my uncle, W. W. Quillin.

Q And died at his house? A Yes sir.

Q Now these people that you speak of living in Texas, your family, how close to the Indian Territory is that? A Well, that is about ten or twelve miles at that time, but before that they lived right on the bank of the river right on the bluff.

Q When did your family live on the bank of Red River, on the bluff of Red River? A Well, I think it was 1835; well my uncle lived up there till about, off and on till about '50; my father left there and went to Basin Springs in 1850.

Q Then the time that they lived in Texas they lived right on the border? A Yes, right on the bluff of the river.

Mr. Howe: Grayson County is a border county is it not? A Yes sir.

Examination by the Commission.

Q Do you understand the provisions of article fourteen of the treaty

of 1830? A No sir.
Q You understand, do you, that that treaty of 1830 was made between the Choctaw Indians at the time they were living in the old Choctaw Nation in Mississippi and Alabama, and the United States Government and was made for the purpose of the removal of all the Choctaw Indians from that old Choctaw Nation east of the Mississippi River to the present Choctaw Nation west of the Mississippi River in this present Choctaw Nation, Indian Territory. Before that treaty was signed while it was still being negotiated at Dancing Rabbit Creek in Mississippi, it became apparent that a great many Choctaws Indians would refuse to go from Mississippi to the new Choctaw Nation in the Indian Territory and in order to protect their rights and preserve their interests some provision had to be made in that treaty , which provision was incorporated in an article known as the fourteenth article, and after it was incorporated the treaty was signed and later on was ratified on the 24th day of February, 1831. Now that fourteenth article was put into the treaty for the especial benefit of what are known now as Mississippi Choctaws, and it provided that they might remain in Mississippi and take land there and become citizens of the United States and afterward get a title to that land from the government if they lived upon it for five years, but within six months from the ratification of the the treaty they were required to go to the United States Indian Agent whose name at that time was Colonel Ward and who in 1830 and '31 lived in Mississippi and tell him that they wanted to stay in Mississippi and take land there and become citizens of the United States; a great many did that; a great many others did not. The Government required that the United States Indian Agent should the names of all those people who complied with the provisions of article fourteen of that treaty upon a list or lists and Colonel Ward made out a register known as Ward 'S Register but he failed the names of all Indians who went before him under the provisions of that treaty upon his list or any list. There at least seven thousand members of the Choctaw tribe who remained back in the old Choctaw Nation and Ward's Register does not contain the names of more than 143 heads of families altogether; the result of his neglect in properly recording the names of all Indians who came before him pursuant to the provisions of article fourteen of the treaty was that a great many of these Indians who held land in Mississippi upon which they held improvements had both the land and improvements taken from them by the government and sold. This caused so many complaints among the Choctaw Indians in Mississippi that the matter was brought to the attention of Congress and in 1837 a Commission was appointed to go to Mississippi and hear the claims of all Choctaws who claimed to have complied with the provisions of Article fourteen of the treaty of 1830, and on August 23, 1842, a second commission was appointed for the same purpose. Did you ever hear that any of your ancestors ever went before either of those commissions and claimed rights under the provisions of article fourteen of the treaty of 1830 or did you ever hear that any of your ancestors received scrip from the government entitling them to select land in Mississippi, Louisiana, Arkansas or Alabama

Examination by Mr. Templeton.
Statement.

I will state this, that our understanding from the investigation of the record is that these people came with the original Choctaws and settled down here about Kiamichi on Boggy before they moved to Texas, on the Boggy. The affi-

davit of William W. Quillin, now dead, shows this and we will now offer that declaration as the declaration of a deceased person, re-offer it at this time.

Commission: Is that here?

Mr. Templeton? A Yes sir, it is in the record and it shows they come fromMississippi to the Choctaw Nation with the other Indians.

Commission: I understood that to be here but I have gone into this matter to make as full and complete a record as possible for the information of the Commission and the Secretary, and also to develop that possibly they might claim through some other member of the family aside from those they claim from.

Mr. Templeton: Our understanding is that the names of John and James Semore appear upon some of the rolls, we have never been able to get them.

Commission: The brothers of Mary Semore or Mary Quillin?

Mr. Templeton: Yes sir. There is one question I would like to ask Mr. Quillin, which I did not.

Q Whether or not you know from family history and general reputation in the family that your people when they lived on the border associated with the Indians and were recognised as connected with the Indians? A Yes sir, I have heard my mother say that the Indians come to their house after she married into the family, and that she was afraid of them that they come to see my father and my uncle,William, and they just would go backwards and forwards over to the Territory visiting them over in the Territory across the river.

Q And as far back as you can remember then, they did claim to be connected with the Choctaw Indians? A That has been my understanding, that they was always connected with them. They was acquainted with all of them, knowed all of them and my father could talk to them.

Q What about your father speaking Choctaw? A Why he could speak several Indian languages.

Q He did? A Yes sir.

Q Did he speak the Choctaw language? A Yes, I think he spoke the Comanche too. Yes, he could talk signs and tell them what he was and they could tell him what they was.

Q They could understand one another then? A Yes sir.

Q Isn't it a fact that he talked Choctaw to the Choctaws and signs to the balance? A Well, I don't know; he could make himself understood by any of the tribes. (Witness excused.)

Charles C. Quillin, having been first duly sworn, testifies as follows:

Examination by the Commission.

Q What is your full name? A Charles C. Quillin.

Q What is your age? A Forty two years old.

Q What is your post office address? A Chickasha, I.T.

Q How long have you lived there? A Since '90, August, '90.

Q Where did you live before that? A I lived in Texas.

Q Where were you born? A Grayson County, Texas.

Q Are you married? A Yes sir.
Q What is your wife's name? A Her name was Bessie J. Whitmire.
Q Does she claim any Choctaw blood? A No sir.
Q White woman? A Yes sir.
Q What was your father's name? A William Wilburn Quillin.
Q Is he living or dead? A He is dead.
Q When did he die? A Last November, the 28rd day of last November.
Q Where did he die? A In my house near Chickasha.
Q Indian Territory? A Indian Territory.
Q How old was he when he died? A Seventy two years old.
Q Where was he born? A I understood he was born in Mississippi.
Q Where in Mississippi? A I don't know.
Q When did he move from Mississippi? A Somewhere in the thirties, I don't know the exact date.
Q Did he come from Mississippi to the Choctaw Nation Indian Territory with his father, Charles C. Quillin? A Yes sir.
Q Did he and his brother move from there with the other Indians who were moved by the United States Government? A That is what he has told me, yes sir.
Q Your father told you so? A Yes sir.
Q How much Choctaw blood did he have? A He was one fourth.
Q And he claimed through hom? A His mother, Mary Semore.
Q That was her maiden name? A Yes sir.
Q What was the name of your grandfather who married Mary Semore?
A Charles Quillin.
Q Did he have any Choctaw blood? A No sir.
Q Did Mary Semore who married Charles Quillin have a Choctaw Indian name? A I don't know, sir.
Q Did she speak the Choctaw language? A I could not say whether she did or not.
Q Through whom did she claim her Choctaw blood, through her father or mother? A Well, I don't know, I could not say.
Q Did she have children living in Mississippi in the year 1830?
A Yes sir.
Q Charles C. Quillin and your father were living at that time?
A Yes sir.
Q Do you know how old your father was when he left Mississippi?
A No sir, I don't know.
Q Well, was he a boy, or a man grown? A Well, he was just a boy.
Q Under twenty one.
Q Was Charles C. Quillin, his brother, under twenty one? A Yes, that is my understanding.
Q What is the name of your oldest brother? A William E. Quillin.
Q Is he living now? A Yes sir.
Q Have you any other brothers or sisters? A One more sister and one brother.
Q What is your sister's name? A Mary A. Montgomery.
Q Married George Montgomery? A Yes sir.
Q What is the brother's name? A Allen H. Quillin.
Q Married Orrie Bagley? A Yes sir.
Q Have you any children? A Yes sir.
Q Will you state their names and ages? A Mary L.
Q How old is she? A Nine years old.
Q The next? A Virginia T.
Q How old? A Well she is seven in this month, I guess she is seven now.
Q The next? A Carry C.
Q How do you spell that? C-a-r-r-y C.
Q Is that a girl? A No sir, it is a boy, it is short for Carldon.
Q What is the name of the next child? A Hazel Venetia.
Q That is Hazel V. instead of Daisy V.? A Yes sir.
Q That is all your children? A Yes sir.

Q Has George Montgomery and your sister his wife Mary any children?
A No sir.
Q Has Allen H. Quillin any children? A Two.
Q What are their names? A William T. I believe is the oldest one, William Thomas.
Q And the next? A The next is Lucy C.
Q Has your oldest brother, William E. Quillin any children? A Yes sir
Q Will you state their names? A Alice V.
Q The next? A Florence A.
Q Next? A And Willie, I don,t know the initial, and Lawrence, the boy.
Q All living? A Yes sir.
Q Do you know anything about the children of Charles C. Quillin?
A That is myself you speak of? That is my uncle too. That is my uncle, I was named in full for him.
Q Do you know the names of his children? A Yes sir. Charles E. Charles E. is the oldest. And Mary E. She married Joseph Stanfield.
Q And Thomas J. A Yes sir.
Q And whom did he marry? A Lou Smith.
Q And Minerva? A Yes sir.
Q Whom did she marry? A John B. Viars.
Q Next? A Amanda.
Q She married Robert Jamison? A Yes sir.
Q Benjamin F. A Yes sir.
Q Married Fannie Wood? A Yes sir.
Q Florence Quillin, whom did she marry? A Bone, Robert H.
Q Whom did Cam C. Quillin marry? A I was not acquainted with his wife.
Q Is that all of the children of Charles C.? A Yes sir.
Q Do you know anything about the treaty of Dancing Rabbit Creek?
A No sir.
Q Your claim is that your ancestor, Mary Semore, who married Charles Quillin, removed from the state of Mississippi after the treaty of Dancing Rabbit Creek was made and came to the Choctaw Nation in Indian Territory? A Yes sir.
Q Where did she come to with her husband and your father and your father's brother? A Well, it is my understanding that they settled over on what is called Boggy.
Q Do you know how long they stayed here in the Choctaw Nation?
A No sir, I don't know how long.
Q Did they all afterwards remove from the Choctaw Nation, go away?
A Yes sir.
Q Where did they go to? A They went to Texas.
Q They all went to Texas? A Grayson County.
Q And did she, Mary Semore, remain in Texas? A Well, I have got things down a little different; my understanding is a little different from the rest of them; my understanding is that they lived in the Choctaw Nation and my grandfather Charles Quillin died and that grandmother married again a man named McIntyre and he just wouldn't have nothing to do with them and they moved out into Texas, but of course I know nothing about it only I just got in my mind that way I don,t know the substance of it.
Q You don't know of any of your ancestors that remained back there in the old Choctaw Nation, Mississippi and Alabama, and took advantage of any of the provisions of the treaty of 1830? A No sir.
Q Your whole knowledge is dependant upon what you have heard about Mary Semore coming here with her husband and your father and your father,s brother after the treaty was ratified? A Yes sir, that is all.

Examination by J. A. Templeton.

Q You remember about any Indians coming over and association with your family, with your father when they lived here in the edge of the Territory? A Yes sir.
Q Did they or not recognise your father as being part Indian?
A Well, I don't know whether it was a recognition or not.
Q Well, did they or not visit him? A They did, and he visited them.
Q Do you know what families he was intimate with? A He was very intimate with Colberts and Drusans, Tom and Aleck Drusan and Harness.
Q Were they intimate? A Yes sir, the reason I said he was very intimate with Colberts, the first time I ever seen him, Frank Colbert, they ran and hugged each other like brothers in Denison and pa went back over there.
Q When was that? A When I was very small; it scared me when I saw th them run up and hug each other he was very dark.
Q Was he an Indian? A Yes sir.
Q When you was a boy how far did you live from the Indian Territory?
A We lived right on the bank of Red River, right down here on the mouth of the Washita.
Q Did your father, during his life time, claim to be part Indian?
A Yes sir.
Q What tribe? A Choctaw.

Mr. Templeton: I want to offer the testimony of William Wilbern Quillin, taken before the Dawes Commission and also his affidavit which is now on file.

Commission? And what date? A It was taken the 14th day of June 1900, and was filed June 15, 1900. We offer you this original testimony now. It is now on file among the records of this case.

Commission? It is now on file in the case of William W. Quillin in this consolidated case? A Yes sir.

(Witness excused.)

Teresa Catherine Quillin, having been first duly sworn, testifies as follows:

Examination by the Commission.

Q What is your name? A Teresa Catherine Quillin.
Q What is your age? A I am sixty eight years old in July. I was.
Q What is your post office address? A It is just anywhere and every where. I haven't got any particular post office .
Q Where are you living at present? A Well, I am in Sherman now, have been for a couple of weeks; Whitesboro and Sherman and up in the Territory.
Q Are you an applicant for identification as a Mississippi Choctaw?
A Yes sir.
Q Where did you make it? A I made it at Durant two years ago, two years ago last August, the first time.
Q When was the last time? A Well, that was at Colbert last June, wasn't it June you were there, I forget little things.

Examination by Chester Howe.

Q You are Teresa C. Quillin, the widow of Charles C. Quillin?
A Yes sir.
Q The mother of eight of these children who are applicants? A Yes sir

Q Mrs. Quillin, did you ever see Mary Semore the mother of your husband? A Yes sir.
Q Can you describe her to the commission? A Yes sir, she was tall, she was tolerable Indian, she was not very fleshy and then she was very dark skinned, high cheek bonds and keen black eyes and black hair.
Q How was her hair as to being coarse or fine. A I tell you I don't remember, because I was only sixteen years old when I met up and we married when I was quite young and of course I didn't pay any attention to it; my memory is very bad on a heap of things, I don't everything I ought to, I reckon.
Q How long did you know her? A About three years.
Q What was her appearance as to being an Indian or otherwise? A Well, I don't know, she was king of droll, sometimes she would be very friendly and sociable and sometimes she would be kind of glum, I didn't meet her very many times.
Q Did she look like an Indian? A Yes sir, since I have thought about it she loked very much like an Indian.
Q You say her complexion was dark? A Yes sir, she was pretty dark.
Q How about her cheek bones? A They were very prominent.
Q Your husband, Charles C. Quillin, was her son? A Yes, he was her oldest son, she just had the two.
Q What were his relations with the Choctaw Indians? A Well they said, they claimed she was, they said she was a half, that is what the y claimed; she was half, but I don,t know.
Q Now when were you married? A I was married in 1850.
Q During the next ten or fifteen years where did you live. A Well, I lived in what is called the Basin Spring Prairie.
Q Just across the river? A Yes, about twelve miles from Red river.
Q And about twelve miles from the Choctaw Nation? A Yes sir.
Q During that time what were your husband's relations with the Choctaw Indians? A Well, I don't know as they had any particularly that I know of; they frequently visited back and forth and they was very intimate friends of the Colberts and the McKinneys, and all those over there, they used to come over and visit them sometimes.
Q Do you remember the fact of Indians being hostile during that period of time? A No sir, they was not after that time '66, they was hostile when we first come into Texas and just before we come into Texas, my father never come in to Texas until '46 and they was not so hostile then as they had been.
Q Did they have trouble after that? A No, they didn't have any trouble after that.
Q Your husband talked with you frequently about his relations with the Indians, did he? A Well, not so very often, it seemed like he didn't like to talk about it very much and I never said anything much about it.
Q Well, he talked with you as to his dealings with them? A Oh, yes, as to his dealings with them, oh yes, he talked of associating with them a great deal when he was a boy that was before I got acquainted with them, he talked agreat deal about associating with them and hunting with them.
Q Do you know whether he talked the Choctaw language? A Yes sir. He talked it some; I could not talk it; I have seen him talk with them when they came there hunting tribes, he talked in their language.
Q Can you remember or did they explain to you the time when the Indians were hostile prior to your marriage? A Yes yes, it was about I suppose about '40 or 41 it was about that time '41 or '42 along there somewhere.
Q During that time how did they treat him? A Well, they always treated him very nice as far as I ever heared they say anything

about it. They always treated him very friendly and shieled him from the wild tribes when they came in.

Q Was their treatment to him exceptional to that of the majority of the people around there? A Yes sir, it was; of course I was not married then but I have heared him say that it was.

Q As a matter of fact, Mrs. Quillin, he rather tried to conceal the Indian blood from you? A Yes, that is hit, and of course I don't remember everything.

Q But you know it by reason of knowing his mother and knowing him and the Indians? A Yes, knowing him and the Indians, Jim Neds come especially, he used to come frequently and maybe would work around our house and come down and get meals from the house.

Q And during those times your husband associated with him and spoke their language. A Oh yes, there was a great many of them when they could talk would not talk and he would talk with them.

Q But he would talk in Choctaw? A Yes sir.

Q They would talk to him? A Yes sir.

Q Now did you ever hear from your husband anything with relation to his mothers brothers' A Yes sir, I have heared them speak of them very often, of course they was dead before I got acquainted with the family., but I have heard him speak of old John who died at their house.

Q Jim Semore? A Yes, John and Jim was the two brothers that come out with them, I have heard him speak of them and heard which ones of them come out with them.

Q With the Indians? A I don't know, they didn't say; they come here at an early day with them.

Q Do you know anything about your husband living in the Territory, that is in the Choctaw Nation? A I don't know it only just hearsay; I have heard him speak of living in the Territory when he first come to the country.

Q Whereabouts in the Territory? A I don't remember, it is away down here somewhere close to Paris.

Q Would you remember the name if you could hear it? A I don't know.

Q Was it on Boggy? A He talked a heap about being up on the Boggy and the Blue; I haveheard him talk about hunting over there on the Boggy and the Blue and all down there, but I don't remember the place where he lived because I never thought anything about it that is then.

Q At the time you say Mary Semore, where did you see her? A I saw her there where I was married at Basin Springs prairie.

Q She was recognized and known as your husband's mother, was she?

A Yes sir.

Q Both by himself and by you? A Yes sir.

Q Now was your husband accustomed to go over and associate with those Indians in the Choctaw Nation? A Yes sir, he used to come over here real often.

Q On visits to them? A On visits and on business. He used to go up on the Boggy here, he talked about being up there on business, but I didn't pay no attention.

Q Do you know where Mary Semore died? A She came up there and died at Bill Quillins about a mile from our house.

Q Came from over in the Territory? A No, she came from the Knobs. She married a man named McIntyre; he was not no Indian and she came up there and taken sick and died at Bill Quillin's. That was right close to Red River somewhere there, I don't know where they lived.

Q Right on the bank of Red River wasn't it? A I don't know, it was n not very far from it, I have heard him speak of it being close to the river.

Q There are no children from that marriage who are applicants?

A No sir, they never had but two boys.

Q That occurred a short time prior to her death? A Yes sir.

Examination by the Commission.

Q What is your full name? A Teresa Catherine Quillin.
Q When did you marry Charles C. Quillin? A About 1850.
Q Did you always live in Texas? A Yes sir my father moved to Texas when I was quite a child and I have lived in grayson County all my life.
Q Some question was asked you in reference to the attitude of the Indians when you were young and married to Mr. Quillin in Texas. Were they firnedly to you or hostile? A They were very friendly.
Q Were they hostile to some people? A Well, they had been very hostile to some people before that used to kill them and scalp them
Q Around in the neighborhood where you lived? A Around close to the Red River, not quite so close to where I lived.
Q Why were they firendly to you and your husband? A Well, I don't know about unless---
Q What kind of Indians were they, what tribes? A The Choctaws and Chickasaws used to come around them down at Mineral.
Q Where did they come from, do you know? A Well, they come across-- a heap of them come across from the Choctaw-- no, Choctaw--- (Some one says Washita) Washita, the friendly Indians used to come over there very frequently and visit them.
Q How far did he used to live from the Red River? A Well, we had always lived about twelve miles from Red River.
Q North of the Red River was the Choctaw Nation was it? A Yes sir.
Q Did these Indians used to come across? A Yes sir. They come across into Texas hunting.
Q Did they come across into Texas? A Yes sir, from Mineral may be some from about the mouth of the river down at Willis Ferry, there was a heap come across there a great deal.
Q When did Mary Semore die? A She died in 1853.
Q How old was she when she died? A Well, I declare I don't know; I don't remember her age at that time but she was tolerable old.
Q Was she middle aged? A Yes, she was rather a little past middle age
Q And she died where? A She died on Mineral Creek, I will just call it Basin Spring Prairie.
Q In Texas? A Yes sir, about eighteen miles north west from Sherman.
Q Did you ever hear her say that she had Choctaw blood? A No sir, I don't know as I remember whether she did or not. She told me a good many things I don't remember all that she did tell me about.
Q Did she ever say that she lived in Mississippi? A Yes sir; she told me she was born and raised and married in Mississippi.
Q Can you remember where she said she was born? A Yes, she told me the place but I don't remember because I had such a poor memory.
Q In Mississippi? A Yes sir.
Q Do you remember when she left Mississippi? A No sir, I don't know just the date but she left there in an early date.
Q Was she married when she left there? A Yes sir, she had these two children.
Q When she left Mississippi where did she go? A As well as I understood it, she come to the Territory down here I can't remember the name of it, it was down past the Blue or Boggy somewhere.
Q Her husband come with her? A Yes, they went to Texas.
Q Not when they first come to the Indian Territory? A No sir.
Q What was his name? A His name was Charles Quillin.
Q He died and she married again, did she? A Yes sir.
Q And this second husband's name was what? A McIntyre.
Q How long did she live in the Indian Territory when she came from Mississippi? A Well, I don't know, that was before I come to Texas they lived there before I come to Texas because I never come to Texas till '46.

Q Her sons were Charles C. and William W. Quillin? A Yes sir.
Q And you married Charles C. Quillin? A Yes sir.
Q And you married him after they came to Texas? A Yes sir. That was before I knew him but I have heared him speak about living there.
Q Did you ever hear him speak about how long he lived in the Indian Territory? A No sir, I never did.
Q What was his personal appearance, did he look like an Indian or a white man? A Well she showed the Indian right smart.
Q In what ways? A Well, he looked a good deal like his mother; he was a great hunter, I never knew anybody could beat him.
Q Was he dark? A Yes sir.
Q Dark eyes or hair? A Yes sir.
Q Was his hair very striaght? A Yes sir, very straight.
Q Did he understand the Choctaw language? A Yes sir. He seemed to understand it, he used to talk to them, these hunting tribes.
Q Did you used to hear these Choctaws? A Yes sir.
Q Did you understand any of these words? A No sir, I never could learn it, that has been a good while age and I have forgotten it, that was '50 when I come into the family.
Q How do you know he spoke to them in the Choctaw language? A Well,
A Well, he seemed to understand them, they seemed to come to the house, they wouldn't talk English if they could help it, they wouldn't talk to me when he was not there they would just grunt, but when he was there they would talk.
Q When he talked to them died he speak a language you did not understand? A Yes sir, he used to try to teach me but I could not learn it.
Q How did he learn it? A Why he just learned it from being with them I guess, he was with them so much.
Q What was his business? A He was a stock man.
Q Did he employ Indians in his business? A No sir.
Q Do you know anything about Mary Semore's father or mother? A No sir Don't know anything about them, they was dead she spoke of her mother being dead when she was married.
Q Do you know anything about the treaty of 1830 in Mississippi?
A No sir, I don't know anything about it; that was before I was born I guess; I don't know anything about it.
Q Can you give the names of your children? A Yes sir.
Q Who are now living or who have died? A Well, I haven't but one dead. Charles E. Quillin, that is my oldest son.
Q Where is he now? A He is in the Chickasaw Nation.
Q Mary E. Quillin who married Joseph Stanfield, is she living now? A Yes sir, she is in Sherman now.
Q She is in Sherman now? A Yes sir.
Q Thomas Quillin who married Lou Smith? A Well, he lives up in the Chickasaw too.
Q Minerva C. Quillin who married John B. Viars? A She is in Whitesboro.
Q Benjamin F. Quillin who married Wannie Wood? A Well, he lives there also in the Chickasaw Nation.
Q Amanda C. Quillinwho married Frank G. Jamisàn? A Well, they live in Whitesboro.
Q In Texas? A Yes sir.
Q Florence Quillin who married Robert H. Bone? A She lives in Hickory Wythe, Tennessee.
Q Cam C. Quillin who married Farrie Dennis? A He lives in Sherman.
Q William E. Quillin who married Tennessee EBagley ? A Yes sir, that is Will Quillin's oldest son.
Q That is William W. Quillin? A Yes sir.
Q And Charles C. Quillin? A Yes, that is William W. Quillin's next son.
Q Mary A Quillin who married George Montgomery another child of William W. Quillin? A Yes sir, another child.

Q And Allen H. Quillin who married Orrie Bagley? A Yes sir, that is their youngest child.

Examination by Chester Howe.

Q In speaking of your residence you said that you lived part of the time in one place and part of the time in another. Are you living with your children? A Yes sir? I am sometimes in Sherman and sometimes in the Territory.

Witness excused.

The attorneys for the applicant again renew their offer of the witnesses heretofore introduced and those present to the Choctaw Nation for cross examination, and ask a judgment of default against said Nation and that they be not required to again present these witnesses for either direct or cross examination.

The attorneys for the applicant here request permission to supply the depositions of the several affiants whose affidavits are filed in this case, the same to be taken in conformity with the rules and regulations to be promulgated by the Commission, and explain the delay in taking the same by calling attention to the fact that no such rules have up to this time been promulgated.

Mr. Howe. We rest.

Anna Bell, having been first duly sworn, on her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported infull all proceedings had in the consolidated case of William W. Quillin, et al. versus the Choctaw Nation, on November 12, 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes in said cause on said date.

Anna Bell

Subscribed and sworn to before me this 23 day of November, 1901.

Chas. Stallwood
Notary Public.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the enrollment of William W. Quillin as a Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A William W. Quillin.

Q How old are you? A Seventy-one.

Q You are not on any of the rolls of the Choctaw Nation, do you claim as a Choctaw or a Chickasaw? A I claim as a Choctaw; I don't know whether I am on the rolls or not.

Q Have you ever been enrolled that you know of? A Not that I know of.

Q Was your father upon any of the rolls here? A I don't know sir, I haven't examined them.

Q You say he died in 1836? A Yes sir, I know he is not on any of the rolls here then.

Com'r McKennon: We have no jurisdiction, no authority to put you on the rolls; enrollment will be refused.

Department of the Interior
Commission to the Five Civilized Tribes.

I hereby certify upon my official oath as stenographer to the above named Commission, that this transcript is a true and correct translation of my stenographic notes.

W. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William W. Quillin for identification as a Mississippi Choctaw by blood, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 81

In the matter of the application of Allen H. Quillin for the identification as Mississippi Choctaw by blood of himself and two minor children, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. [illegible]

In the matter of the application of Benjamin F. Quillin for identification as a Mississippi Choctaw by blood, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 19, 1900. M.C.R. [illegible]

In the matter of the application of Thomas Quillin for the identification as Mississippi Choctaw by blood of himself and minor child, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. [illegible]

In the matter of the application of William J. Stanfield for identification as a Mississippi Choctaw by blood, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. [illegible]

In the matter of the application of Mary A. [illegible] for identification as a Mississippi Choctaw by blood. [illegible]

In the matter of the application of Sam C. Quillin for the identification as Mississippi Choctaw by blood of himself and minor child, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 16, 1900. M.C.R. 109

In the matter of the application of Teresa C. Quillin for identification as an intermarried Mississippi Choctaw as the widow of Charles C. Quillin, deceased, heard at Colbert, Indian Territory, June 16, 1900. M.C.R 110.

In the matter of the application of Charles R. Quillin for identification as a Mississippi Choctaw by blood, heard at Colbert, Indian Territory, June 19, 1900. M.C.R. [illegible]

In the matter of the application of William R. Quillin for the identification as Mississippi Choctaw by blood of himself and four minor children, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 19, 1900. M.C.R. 326

In the matter of the application of Minerva C. Viars for the identification as Mississippi Choctaws by blood of herself and minor child, heard at Colbert, Indian Territory, June 20, 1900. M.C.R. 360

In the matter of the application of Florence Rene for the identification as Mississippi Choctaws by blood of herself and two minor children, and for the identification of her husband as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory June 20, 1900. M.C.R. 362

In the matter of the application of Amanda C. Jenisen for the identification as Mississippi Choctaws by blood of herself and four minor children, and for the identification of her husband as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 20, 1900. M.C.R. 364

In the matter of the application of Mary E. Stanfield for the identification as Mississippi Choctaws by blood of herself and one minor child, and for the identification of her husband as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 20, 1900. M.C.R. 368

In the matter of the application of Charles C. Quillin for the identification as Mississippi Choctaws by blood of himself and four minor children, and for the identification of his wife as an intermarried Mississippi Choctaw, heard at Colbert, Indian Territory, June 21, 1900. M.C.R. 469.

In the matter of the application of Mary A. Montgomery for identification as a Mississippi Choctaw by blood, and for the identification of her husband as an intermarried Mississippi Choctaw, heard at Muskogee, Indian Territory, July 11, 1900. M.C.R. 482

William W. Quillin, the principal applicant, and all the other applicants, except applicants for identification as intermarried Mississippi Choctaws and hereinafter specifically named, apply for identification as Mississippi Choctaws by blood, claiming descent from Mary Quillin,(nee Somore), deceased, who was the wife of Charles Quillin, deceased, a white man, and the mother of Cam or Charles C. Quillin, deceased, and William W. Quillin, applicant.

The following named descendants of the Common Ancestor, Mary Quillin,(nee Somore), deceased, appear of record as applicants for identification as Mississippi Choctaws by blood:

Children and grand-children of Charles C. Quillin, deceased.	Charles N. Quillin, Mary E. Stanfield, (nee Quillin) and her children William J. Stanfield Nellie Lee Stanfield

Children and grand-children of Charles C. Quillin, deceased (Continued)	Thomas Quillin, and his child Frank Quillin
	Minerva C. Viars, nee Quillin, and her child Frances Viars
	Benjamin F. Quillin
	Amanda C. Jamison, nee Quillin, and her children Joseph S. Jamison William O. Jamison David K. Jamison Charles F. Jamison
	Florence Bone, nee Quillin and her children Catherine Bone Fanny Elizabeth Bone.
	Gem C. Quillin, and his child Alberta Quillin
	Mary A. Montgomery, nee Quillin.
William W. Quillin his children and grand-children	William E. Quillin, and his children Alice V. Quillin Florence A. Quillin Willie Quillin Lawrence S. Quillin
	Charles C. Quillin, and his children Mary L. Quillin Virginia P. Quillin Carrey C. Quillin Daisy V. Quillin
	Allen H. Quillin and his children William T. Quillin Lucy C. Quillin.

APPLICANTS FOR IDENTIFICATION AS MISSISSIPPI CHOCTAWS BY INTERMARRIAGE

N.C. 81, Kissiah Elizabeth Quillin, (Wife of William W. Quillin.)

N.C. 82, Orrie Quillin, (Wife of Allen H. Quillin.)

N.C. 65, Fannie Quillin,
(Wife of Benjamin F. Quillin.)

N.C. 66, Lou Quillin,
(Wife of Thomas Quillin.)

N.C. 109, Fairy M. Quillin,
(Wife of Sam F. Quillin.)

N.C. 116, Terenca C. Quillin,
(Wife of Charles C. Quillin, deceased.)

N.C. 326, Tennessee Quillin,
(Wife of William T. Quillin.)

N.C. 343, Robert H. Ross,
(Husband of Florence Ross.)

N.C. 365, Frank G. Jackson,
(Husband of Amanda C. Jackson.)

N.C. 366, Joseph Stanfield,
(Husband of Mary E. Stanfield.)

N.C. 469, Rosie J. Quillin,
(Wife of Charles C. Quillin.)

N.C. 488, George Montgomery,
(Husband of Mary A. Montgomery.)

The applicants above named rest their claim as Intermarried Mississippi Choctaws on the marriage relation which they bear to the applicants for identification as Mississippi Choctaws by blood.

The proof shows that these claimants are white persons, not possessed of Indian blood.

Applicants, by their petition, and oral testimony in support of same, show they are descendants of Mary Quillin, nee Somers, a Mississippi Choctaw of one half blood, who, with her husband, Charles Quillin, a white man, and their two sons, Charles C. and William W. Quillin, moved from Mississippi with the first lot of Choctaws and settled in the Indian Territory between Boggy and Blanche, where they lived three or four years and then moved to the State of Texas, where the families of the two sons, Charles C. Quillin, deceased, and William W. Quillin, applicant, were raised. All the other applicants except in cases 116, Terenca C. Quillin, and 364, Amanda C. Jackson, nee Quillin, et al., who reside in the State of Texas, and Case 326, Florence Ross, et al., who reside in the State of Tennessee, now reside in the Indian Territory.

The evidence, oral and documentary, shows direct line of descent from Mary Quillin, nee Somers.

[illegible]

(Wife of Benjamin F. [illegible].)

In view of the proof that the common ancestor of applicants moved from Mississippi to the Indian Territory with the first removal of the Choctaws under the treaty of 1830 and settled in the Indian Territory, applicants can have no claim for identification as Mississippi Choctaws, having complied with the provisions of the fourteenth article of said treaty, necessary for such identification.

[illegible]

[illegible]

(Wife of [illegible].)

[illegible],

(Descent of [illegible] More.)

[illegible],

(Husband of Amanda [illegible], Jackson.)

[illegible],

(Husband of Mary E. [illegible].)

[illegible]

[illegible]

[illegible]

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DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William Wilburn Quillin et al., for identification as Mississippi Choctaws, consolidating the applications of

William Wilburn Quillin et al.,	M.C.R.	81
Allen H. Quillin et al.,	"	82
Benjamin Franklin Quillin et al.,	"	83
Thomas Quillin et al.,	"	84
William J. Stanfield,	"	95
Teressa C. Quillin,	"	110
Cam C. Quillin et al.,	"	109
Charles E. Quillin,	"	236
William E. Quillin et al.,	"	326
Minerva C. Viars et al.,	"	360
Florence Bone et al.,	"	362
Amanda C. Jamison et al.,	"	364
Mary E. Stanfield et al.,	"	365
Charles C. Quillin et al.,	"	469
Mary A. Montgomery et al.,	"	482.

---D E C I S I O N---

The record in the above consolidated case shows that there were, originally, fifteen applications, made separately by the parties named at the times and places herein set forth, to-wit:

In the matter of the application of William Wilburn Quillin for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Kizziah Elizabeth Quil-

lin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Allen H. Quillin for the identification of himself and his two minor children, William T. Quillin and Lucy Catherine Quillin, as Mississippi Choctaws, and for the identification of his wife, Orrie Quillin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Benjamin Franklin Quillin for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Fannie Pullen Quillin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of Thomas Quillin for the identification of himself and his minor child, Frank Quillin, as Mississippi Choctaws, and for the identification of his wife, Lou Smith Quillin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 15, 1900.

In the matter of the application of William J. Stanfield for the identification of himself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 16, 1900.

In the matter of the application of Teressa C. Quillin for the identification of herself as an intermarried Mississippi Choctaw, through her deceased husband, Charles Campbell Quillin, taken at Colbert, Indian Territory, June 16, 1900.

In the matter of the application of Cam C. Quillin for the identification of himself and his minor child, Alberta Quillin, as Mississippi Choctaws, and for the identification of his

wife, Fairy Quillin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 16, 1900.

In the matter of the application of Charles E. Quillin for the identification of himself as a Mississippi Choctaw, taken at Colbert, Indian Territory, June 16, 1900.

In the matter of the application of William E. Quillin for the identification of himself and his four minor children, Alice V. Quillin, Florence A. Quillin, Willie May Quillin and Lawrence G. Quillin, as Mississippi Choctaws, and for the identification of his wife, Tennessee E. Quillin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 19, 1900.

In the matter of the application of Minerva C. Viars for the identification of herself and her minor child, Frances Viars, as Mississippi Choctaws, taken at Colbert, Indian Territory, June 20, 1900.

In the matter of the application of Florence Bone for the identification of herself and her two minor children, Catherine Bone and Tommy Elizabeth Bone, as Mississippi Choctaws, and for the identification of her husband, Robert H. Bone, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 20, 1900.

In the matter of the application of Amanda C. Jamison for the identification of herself and her four minor children, Joseph C. Jamison, William Q. Jamison, David K. Jamison and Charles F. Jamison, as Mississippi Choctaws, and for the identification of her husband, Frank O. Jamison, as an intermarried

Mississippi Choctaw, taken at Colbert, Indian Territory, June 20, 1900.

In the matter of the application of Mary E. Stanfield for the identification of herself and her minor child, Nellie Lee Stanfield, as Mississippi Choctaws, and for the identification of her husband, Joseph Stanfield, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 20, 1900.

In the matter of the application of Charles C. Quillin for the identification of himself and his four minor children, Mary L. Quillin, Virginia P. Quillin, Carrey C. Quillin and Daisy V. Quillin, as Mississippi Choctaws, and for the identification of his wife, Bessie J. Quillin, as an intermarried Mississippi Choctaw, taken at Colbert, Indian Territory, June 21, 1900.

In the matter of the application of Mary A. Montgomery for the identification of herself as a Mississippi Choctaw, and for the identification of her husband, George Montgomery, as an intermarried Mississippi Choctaw, taken at Muskogee, Indian Territory, July 11, 1900.

While these several applications have been consolidated and are to be considered together as a whole, yet, in view of the varied proceedings had in each, it will be necessary to consider them in a measure, separately.

Taking them in the order above named, we find the record in the case of William Wilburn Quillin et al., shows that the said William Wilburn Quillin personally applied to the Commis-

sion to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and his enrollment as such was thereupon refused on the ground that his name was not upon any of the rolls of the Choctaw Nation in the possession of the Commission; and that on June 15, 1900, the said William Wilburn Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Kissiah Elizabeth Quillin, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Mary Seymore, an alleged one-half blood Choctaw, who married Charles Quillin, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William Wilburn Quillin, and his wife, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions

of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, Peter Wolf, Thomas W. Collins, Elijah Colbert, Mrs. K. H. Hightower, J. P. Hopson (2), J. D. Woods and Shadrack Potts. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Mississippi about the year 1828, and that for about two years prior to the time of making his original application he has been a resident of Indian Territory, and claims to be an one quarter blood Choctaw. He traces his alleged Choctaw ancestry to his mother who, he alleges, resided in the state of Mississippi at the time of his birth, and for several years thereafter, and, apparently, makes an effort to further trace his alleged Choctaw ancestry to his grandmother, Mary Garland, who, it may be inferred from the testimony, was the mother of his mother; but it is distinctly stated in his testimony that in the year 1833, his parents removed with him from the state of Mississippi, together with the first band of Choctaws that came to the Indian Territory, and that his said parents resided in Indian Territory, from that time for three or four years; that they never afterwards returned to the state of Mississippi; so that it is clear on the face of his testimony that his said mother who was married and at the head of a family in the state of Mississippi in the year 1830, did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from Mississippi to the Indian Territory,

in 1833. By the ex parte affidavit of the principal applicant it is attempted to be shown that he was born in the state of Mississippi about 1828, to Charles and Mary Quillin, nee Semore, and that the latter was an one-half blood Choctaw Indian, but it is distinctly stated in this affidavit that the parents of the affiant removed from the state of Mississippi to the Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years, but it does not appear that they or either of them ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant was acquainted with one Mary Semore and one Charles Quillin, whom he alleges were Choctaw Indians. There is nothing in his testimony which would tend to show the relationship existing between the principal applicant herein and the said Mary Semore or Charles Quillin. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin, nee Semore, the alleged mother of the principal applicant, and also her two children, of whom the principal applicant is one, and knew them to be part Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew the principal applicant and his parents in the state of Mississippi about the year 1830, and has known them since that time in Indian Territory; that he knew the mother of the principal applicant to be a half-

blood Choctaw Indian. The ex parte affidavit of Mrs. K. H. Hightower and the (No. 1) ex parte affidavit of J. P. Hopson simply tend to show that the principal applicant and his wife, Kizziah Elizabeth Quillin, for whom application is made as an intermarried Mississippi Choctaw, were married about 1854, and have since lived together as man and wife. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant had known the principal applicant since about 1858, and has always considered him to be an Indian. By the ex parte affidavit (No. 2) of J. P. Hopson it is attempted to be shown that affiant, in about 1853, knew Mary Quillin, nee Semore, and her children, including the principal applicant herein, and from common reputation and their appearance recognized them as half blood Choctaw Indians. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that the affiant knew the principal applicant and his mother, Mary Quillin, nee Semore, in the state of Mississippi, a good many years prior to 1853, and that said Mary Quillin, nee Semore, was recognized by the Choctaw Indians in the state of Mississippi as one of them, and affiant believes that she was an one-half or two-thirds blood Mississippi Choctaw Indian. There is nothing in any of the above affidavits that shows any compliance or attempted compliance on the part of the persons therein named, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On the contrary, it shows clearly on the part of the mother of the principal applicant, Mary Quillin, nee Semore, who was married and the head of a family in the state of Mississippi in 1830, a non-compliance with the said provisions of article fourteen of the treaty of Dancing Rabbit Creek. There is filed

herewith the written petition of the principal applicant and his wife, but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by them.

The next in order of the above applications is that of Allen H. Quillin et al., and the record therein shows that the said Allen H. Quillin personally applied to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that his enrollment as such was refused on the ground that his name was not upon any of the Choctaw rolls in the possession of the Commission.

The record further shows that on June 15, 1900, the said Allen H. Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his two minor children, William T. Quillin and Lucy Catherine Quillin, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Orrie Quillin, as an intermarried Mississippi Choctaw. The principal applicant claims descent from William Wilburn Quillin, an alleged one quarter blood Choctaw, who married Kissiah Elizabeth Hartsog, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Allen H. Quillin, and his wife and two minor chil-

dren, for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found on any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Elijah Colbert, Peter Wolf, Thomas W. Collins, J. D. Woods, Joseph P. Hopson and Shadrack Potts, and a certified copy of the marriage license and certificate between Allen H. Quillin and Anid Begley. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas about the year 1867, and that for about two years prior to the making of his original application he has been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw. He only traces his alleged Choctaw descent to his father, whom he alleges resided in the state of Mississippi, but there is nothing in his testimony to show that his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore,

and her son, William Wilburn Quillin, in the state of Mississippi about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin, and knows William Wilburn Quillin, and that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian, and was recognized as such by other Choctaw Indians. There is nothing in any of the above affidavits which would tend to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant; nor does the record above referred to, in any way relate to or show any compliance or attempted compliance on the part of

the persons therein named with the provisions of article fourteen of the treaty of Dancing Rabbit Creek. The certified copy of the marriage license and certificate filed herewith is simply evidence of the marriage between the principal applicant and Amid Begley for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is a discrepancy as to the first name of the wife of said principal applicant, between the marriage license and certificate and his oral testimony, inasmuch as in the former said first name is given as "Amid" and in the latter as "Orrie", but no doubt is entertained that the two names refer to one and the same person. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Benjamin Franklin Quillin et al., and the record therein shows that the said Benjamin Franklin Quillin made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and his enrollment as such was refused on the ground that his name was not upon any of the Choctaw rolls in the possession of the Commission; and the record further shows that on June 15, 1900, the said Benjamin Franklin Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the Uni-

ted States government and the Choctaw tribe of Indians, concluded September 27, 1830, andknown as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Fannie Pullen Quillin, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Cam C. Quillin, an alleged one-fourth blood Choctaw, who married Catherine C. Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Benjamin Franklin Quillin, and his wife, Fannie Pullen Quillin, for whom application is made as an intermarried Mississippi Choctaw, have never been enrolled by the Choctaw tribal authorities as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, Thomas W. Collins, Elijah Colbert, Peter Wolf, J. D. Woods, J. P. Hopson and Shadrack Potts, and the certificate and marriage license between Benjamin Franklin Quillin and Fannie Woods. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas about the year 1865; that for about fifteen years prior to the making of his original ap-

plication he has been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw. He only traces his alleged Choctaw descent to his father, who he alleged resided in the state of Mississippi, but there is nothing in his testimony which would tend to show that his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to the Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Elijah Colbert it

is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hepson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearances as a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. Therecord above referred to in no way relates to or shows any compliance or attempted compliance on the part of the persons therein named, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but on the contrary, shows on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said record which tends to show any relationship between said Mary Quillin or Wil-

liam Wilburn Quillin and the principal applicant herein. The marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and his wife, Fannie Pullen Quillin, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him. The record in this application shows that on December 4, 1901, there was filed with the Commission to the Five Civilized Tribes a certificate of the birth of Neva C. Quillin, wherein it was alleged that the said Neva C. Quillin was the child of Benjamin Franklin Quillin, the principal applicant herein, and his wife, Fannie Pullen Quillin, and was born on August 5, 1901; said certificate of birth was filed with and made a part of the original application of Benjamin Franklin Quillin et al.

The next in order of the above applications is that of Thomas Quillin et al. The recordin this case shows that the said Thomas Quillin made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that his enrollment as such was refused on the ground that his name was not upon any of the rolls of the Choctaw Nation in the possession of the Commission, and the record further shows that on June 15, 1900, the said Thomas Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his minor child, Frank Quillin, as Mississippi Choctaws, claiming to be descend-

ants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Lou Smith Quillin, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Campbell C. Quillin, an alleged one-eighth blood Choctaw, who married Teressa Hartzog, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Thomas Quillin, and his wife and minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Elijah Colbert, Peter Wolf, William Wilburn Quillin, Thomas W. Collins, J. D. Woods, J. P. Hopson and Shadrack Potts. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas about the year 1857, and that for about two years

prior to the making of his original application he has been a resident of Indian Territory, and claims to be a one-eighth blood Choctaw. He only traces his alleged Choctaw descent to his father, but there is nothing in his testimony to show that his alleged Choctaw ancestors ever lived in the state of Mississippi, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to the Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin

afterwards returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which in any way tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, and there is nothing in any of said affidavits which tends to show any relationship between the said Mary Quillin or William Wilburn Quillin and the principal applicant herein. There is

filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of William J. Stanfield, and we find from the record therein that on June 16, 1900, the said William J. Stanfield appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Mary Quillin, an alleged one-eighth blood Choctaw, who married J. A. Stanfield, a white man, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William J. Stanfield, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found on any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application,

aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, J. D. Woods, J. P. Hopson, Peter Wolf, Thomas W. Collins, Elijah Colbert and Shadrack Potts. By the oral statement of the principal applicant it is attempted to be shown that he was born in Indian Territory, about the year 1877, and has always lived there. He only traceshis alleged Choctaw descent to his mother, Mary Quillin, who he alleges was an one-eighth blood Choctaw, but there is nothing in his testimony which would tend to show that his alleged Choctaw ancestors ever lived in the state of Mississippi, or were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to IndianTerritory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin afterwards returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory,

about the year 1833. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hepson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which in any way tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek", but on the contrary, there is shown on the part of the said persons a

non-compliance with the said provisions of article fourteen of said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Teressa C. Quillin, and the record in this case shows that the said Teressa C. Quillin made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that her enrollment as such was refused on the ground that her name was not on any of the Choctaw rolls in the possession of the Commission, and the record further shows that on June 16, 1900, the said Teressa C. Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself as an intermarried Mississippi Choctaw, as the widow of Charles Campbell Quillin, deceased, claiming that he was a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims for her husband descent from Mary Semore, an alleged one-half blood Choctaw, who married Charles Quillin, and who were the parents of the deceased husband of this applicant.

The record in this case further shows that the applicant, Teressa C. Quillin, and her deceased husband, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found on any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, J. D. Woods, J. P. Hepson, Thomas W. Collins, Peter Wolf, Elijah Colbert and Shadrack Potts. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Tennessee in 1833, and has livedin Texas and Indian Territory off and on most of her life; that she was married to Charles Campbell Quillin at Hillsboro, Texas, in 1850, who she claims was an one-fourth blood Choctaw Indian. She only attempts to trace the alleged Choctaw descent of her deceased husband to his mother, and there is nothing in her testimony which would tend to show that the alleged Choctaw ancestors of her deceased husband were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affi-

davit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognised said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Elijah Colbert it

is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Cam C. Quillin et al., and from the record therein we find that on June 16, 1900, the said Cam C. Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal ap-

plication for the identification of himself and his minor child, Alberta Quillin, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Fairy Quillin, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Charles Campbell Quillin, an alleged one-fourth blood Choctaw Indian, who married Teressa C. Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Cam C. Quillin, and his wife and minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, Peter Wolf, Thomas W. Collins, Elijah Colbert, J. D. Woods, J. P. Hopson and Shadrack Potts, and a certified copy of the marriage li-

conse and certificate between Cam C. Quillin and Fairy Dennis. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas in 1869; has always lived there, and claims to be an one-eighth blood Choctaw Indian. He only traces his alleged Choctaw descent to his father, and there is nothing in his testimony which would tend to show that his alleged Choctaw ancestors ever resided in the state of Mississippi, or were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born andmarried in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly statedin said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore,

to be a Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Elijah Colbert it is attempted tobe shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that affiant knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of

the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and his wife, Fairy Quillin, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.
The record in this application shows that on December 12, 1901, there was filed with the Commission to the Five Civilized Tribes, a certificate of the birth of Charles Quillin, wherein it was alleged that the said Charles Quillin was a child of Cam C. Quillin and Fairy M. Quillin and was born July 30, 1901; said certificate of birth is filed with and made a part of the original application of Cam C. Quillin et al.

The next in order of the above applications is that of Charles E. Quillin. Therecord therein shows that the said Charles E. Quillin made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and his enrollment as such was refused on the ground that his name was not on any of the Choctaw rolls in the/possession of the Commission, and the record further shows that on June 16, 1906, said Charles E. Quillin appeared before the Commission at Colbert, Indian

Territory, and there made personal application for the identification of himself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The applicant claims descent from Charles Campbell Quillin, an alleged one-fourth blood Choctaw, who married Teresa Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the applicant, Charles E. Quillin, has never been enrolled by the tribal authorities of the Choctaw Nation as a citizen of that tribe, nor is his name found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor has he ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, Peter Wolf, Elijah Colbert, Thomas W. Collins, J. F. Hopson, J. D. Woods and Shadrack Potts, and a certified copy of the marriage license and certificate between Charles C. Quillin and Teresa C. Hartzog. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas

in 1851, and that for about twenty years prior to the making of his original application he has been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw Indian. He only traces his alleged Choctaw descent to his father, who he alleged resided in the state of Mississippi, but there is nothing in his testimony which would tend to show that his alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Indians who removed from the state of Mississippi to the Indian Territory, about the year 1833. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that

affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the treaty of Dancing

Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the father and mother of the applicant, and of the legitimacy of the applicant. There is filed herewith the written petition of the principal applicant, but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of William E. Quillin et al., and the record therein shows that the said William E. Quillin made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that his enrollment as such was refused on the ground that his name was not upon any of the Choctaw rolls in the possession of the Commission, and the record further shows that on June 19, 1900, the said William E. Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his four minor children, Alice V. Quillin, Florence A. Quillin, Willie May Quillin, and Lawrence G. Quillin, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Tennessee E. Quillin, as an intermar-

ried Mississippi Choctaw. The principal applicant claims descent from William W. Quillin, an alleged part blood Choctaw, who married Kissiah Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, William E. Quillin, and his wife and four minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, Elijah Colbert, Peter Wolf, Thomas W. Collins, J. D. Woods, J. P. Hopson and Shadrack Potts, and a certified copy of the marriage license between William E. Quillin and Tennessee E. Begley. By the oral statement of the principal applicant it is attempted to be shown that he was born in the state of Texas in 1858, and that for about three years prior to the making of his original application he has been a resident of Indian Territory, and claims to be a part blood Mississippi Choctaw, not giving the degree. He only traces his alleged Choctaw descent to his father, and there is nothing in his testimony to show that his alleged Choctaw

ancestors ever lived in the state of Mississippi, or that they were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant

knew Mary Quillin, nee Semore, to be an Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and his wife, Tennessee Quillin, for whom

application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant, but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The next in order of the above applications is that of Minerva C. Viars et al., and the record therein shows that on June 20, 1900, said Minerva C. Viars appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and minor child, Frances Viars, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek." The principal applicant claims descent from Charles C. Quillin, an alleged one-fourth blood Choctaw Indian, who married Teresa C. Quillin, a white woman and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Minerva C. Viars, and her minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in

Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, J. D. Woods, J. P. Hopson, Thomas W. Collins, Elijah Colbert, Peter Wolf and Shadrack Potts, and a certified copy of the marriage license and certificate between John B. Viars and Minerva Quillin. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in 1861, and has lived there all her life, and claims to be an one-eighth blood Choctaw. She only traces her alleged Choctaw descent to her father, and there is nothing in her testimony to show that her alleged Choctaw ancestors ever lived in the state of Mississippi, or were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face

of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of the fourteenth article of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed fromMississippi to Indian Territory, about the year 1833. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hepson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged fromthe conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that the said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary

Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and her husband, John B. Viars, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant, but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Florence Bone et al., and the record therein shows that the said Florence Bone made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that her enrollment as such was refused on the ground that her name was not upon any of thetribal rolls of the Choctaw Nation in the possession of the Commission, and the record further shows that on June 20, 1900, the said Florence Bone appeared before the Commission at Colbert, Indian Territory, and there made personal ap-

plication for the identification of herself and her two minor children, Catherine Bone and Tommy Elizabeth Bone, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of her husband, Robert H. Bone, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Campbell C. Quillin, an alleged one-fourth blood Mississippi Choctaw, who married Teressa Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Florence Bone, and her husband and two minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, J. D. Woods, J. P. Hopson, Peter Wolf, Thomas W. Collins, Elijah Colbert

and Shadrack Potts, and a certified copy of the marriage license and certificate between Robert H. Bone and Florence Quillin. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in 1867, and now lives in Tennessee, and claims to be an one-eighth blood Choctaw. She only traces her alleged Choctaw descent to her father, who she alleges is an one-fourth blood Choctaw, and there is nothing in her testimony to show that her alleged Choctaw ancestors ever livedin the state of Mississippi, or were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in the state of Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of J. D. Woods it is attempted to be shown

that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the

contrary there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and her husband, Robert H. Bone, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Amanda C. Jamison et al., and the record therein shows that the said Amanda C. Jamison made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that her enrollment as such was refused on the ground that her name was not upon any of the Choctaw rolls in the possession of the Commission, and the record further shows that on June 20, 1900, the said Amanda C. Jamison appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her four minor children, Joseph C. Jamison, William Q. Jamison, David K. Jamison and Charles F. Jamison, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the four-

teenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of her husband, Frank G. Jamison, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Campbell C. Quillin, an alleged one-fourth blood Choctaw, who married Teressa C. Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Amanda C. Jamison, and her husband and four minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, J. D. Woods, J. P. Hopson, Thomas W. Collins, Peter Wolf, Elijah Colbert and Shadrack Potts, and a certified copy of the marriage license and certificate between F. G. Jamison and A. C. Quillin. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in 1863; has lived there all her life, and claims to be an one-eighth blood Choctaw.

She only traces her alleged Choctaw descent to her father, who she alleges was an one-half blood Choctaw, and there is nothing in her testimony that would tend to show that her alleged Choctaw ancestors ever lived in the state of Mississippi, or were recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in that state, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopnen it is attempted to be shown that affiant know Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance

as a half blood Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of the fourteenth article of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal

applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and her husband, Frank G. Jamison, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of Mary E. Stanfield et al., and the record therein shows that the said Mary E. Stanfield made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that her enrollment as such was refused on the ground that her name was not upon any of the Choctaw rolls in the possession of the Commission, and the record further shows that on June 20, 1900, the said Mary E. Stanfield appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of herself and her minor child, Nellie Lee Stanfield, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of article fourteen of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of her husband, Joseph Stanfield, as an intermarried Mississippi Choctaw. The principal applicant claims descent from Cam C. Quillin, an alleged one-fourth blood Choctaw, who married Teresa

Quillin, a white woman, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Mary E. Stanfield, and her husband and minor child for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of William Wilburn Quillin, J. D. Woods, Elijah Colbert, Peter Wolf, J. P. Hopson, Thomas W. Collins and Shadrack Potts, and a certified copy of the marriage license and certificate between Joseph A. Stanfield and Mary E. Quillin. By theoral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in 1853, and that for about two months prior to the time of making her original application she has been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw. She only traces her alleged Choctaw descent to her father, Cam C. Quillin, who she claims was born in the state of Mississippi, and moved with the first band of Choctaw Indians from Mississippi to Indian Territory in 1832. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary

Quillin, nee Semore, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, andin recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin

from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and her husband, Joseph Stanfield, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The next in order of the above applications is that of

Charles C. Quillin et al., and the record in this case shows that the said Charles C. Quillin made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that his enrollment as such was refused on the ground that his name was not upon any of the Choctaw rolls in the possession of the Commission, and the record further shows that on June 21, 1900, the said Charles C. Quillin appeared before the Commission at Colbert, Indian Territory, and there made personal application for the identification of himself and his four minor children, Mary L. Quillin, Virginia P. Quillin, Carrey C. Quillin and Daisy V. Quillin, as Mississippi Choctaws, claiming to be descendants of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of his wife, Bessie J. Quillin, as an intermarried Mississippi Choctaw. The principal applicant claims descent from William Wilburn Quillin, an alleged one-fourth blood Choctaw, who married Kizziah E. Quillin, and who are the parents of this applicant.

The record in this case further shows that the principal applicant, Charles C. Quillin, and his wife and four minor children for whom application is made, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have

they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, embraces the ex parte affidavits of Elijah Colbert, Thomas W. Collins, Peter Wolf, J. D. Woods, J. P. Hopson, William Wilburn Quillin and Shadrack Potts, and the marriage license and certificate between C. C. Quillin and Miss B. J. Whitmire. By the oral statement of the principal applicant it is attempted to be shown that he was born in Texas in 1861; that for about ten months prior to the making of his original application he has been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw. He only traces his alleged Choctaw descent to his father, who he alleges was born in the state of Mississippi, and came from there to the Indian Territory with the Choctaw Indians. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be

Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. P. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Cam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half

or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between said Mary Quillin or William Wilburn Quillin and the principal applicant herein. The certified copy of the marriage license and certificate filed herewith, is simply evidence of the marriage between the principal applicant and his wife, Bessie J. Quillin, for whom application is made as an intermarried Mississippi Choctaw, and of the legitimacy of the issue of said marriage. There is also filed herewith a birth certificate by which it appears that the name of Daisy V. Quillin given in the oral statement of the applicant as that of his youngest minor child, was an error, and the correct name of said minor child is Hazel Veneta Quillin. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by him.

The last in order of the above applications is that of Mary A. Montgomery et al., and the record therein shows that the said Mary A. Montgomery made personal application to the Commission to the Five Civilized Tribes at Durant, Indian Territory, during the month of August, 1899, for enrollment as a Choctaw, and that her enrollment as such was refused on the ground that

her name was not upon any of the Choctaw rolls in the possession of the Commission, and the record further shows that on July 11, 1900, the said Mary A. Montgomery appeared before the Commission at Muskogee, Indian Territory, and there made personal application for the identification of herself as a Mississippi Choctaw, claiming to be a descendant of Choctaw Indians who resided in the state of Mississippi in 1830, and took advantage of the provisions of the fourteenth article of the treaty made between the United States government and the Choctaw tribe of Indians, concluded September 27, 1830, and known as the treaty of "Dancing Rabbit Creek", and for the identification of her husband, George Montgomery, as an intermarried Mississippi Choctaw. The principal applicant claims descent from William Wilburn Quillin, an alleged one-fourth blood Choctaw, who married Kissiah Quillin, a white woman, and who are the parents of this applicant.

The record in this case shows that said principal applicant, Mary A. Montgomery, and her husband for whom application is made as an intermarried Mississippi Choctaw, have never been enrolled by the tribal authorities of the Choctaw Nation as citizens of that tribe, nor are their names found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress of June 10, 1896, (29 Stats., 321).

The evidence offered in support of this application, aside from the oral statement of the principal applicant, em-

braces the ex parte affidavits of Thomas W. Collins, William Wilburn Quillin, Elijah Colbert, Peter Wolf, J. D. Woods, J. P. Hopson and Shadrack Potts. By the oral statement of the principal applicant it is attempted to be shown that she was born in the state of Texas in 1865, and that for about ten months prior to the making of her original application she has been a resident of Indian Territory, and claims to be an one-eighth blood Choctaw. She only traces her alleged Choctaw descent to her father, who she alleged was born in the state of Mississippi, and there is nothing in her testimony which would tend to show that her alleged Choctaw ancestors were ever recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians in Mississippi, or that they ever complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. By the ex parte affidavit of Thomas W. Collins it is attempted to be shown that affiant knew Mary Quillin and her son, William Wilburn Quillin, to be Indians by blood, but affiant states positively that he does not know what kind of Indian blood they possessed. By the ex parte affidavit of William Wilburn Quillin it is attempted to be shown that the mother of affiant, Mary Quillin, nee Somers, was a half blood Choctaw Indian, born and married in the state of Mississippi, and that she had a son named Sam C. Quillin, but it is distinctly stated in said affidavit that the mother and father of affiant removed from the state of Mississippi to Indian Territory, soon after the treaty of 1830, and it would appear that they remained in Indian Territory for several years from that time, and it does not appear that the said Mary Quillin ever returned to the state of Mississippi; so it is evident on the face

of this affidavit that the said Mary Quillin did not comply or attempt to comply with the provisions of article fourteen of the treaty of 1830, but that she was one of that first band of Choctaw Indians who removed from the state of Mississippi to Indian Territory, about the year 1833. By the ex parte affidavit of Elijah Colbert it is attempted to be shown that affiant knew Mary Quillin, nee Semore, and her son, William Wilburn Quillin, in the state of Mississippi, about the year 1830, and judged from the conversation and appearance of the said Mary Quillin, nee Semore, that she was a half blood Choctaw Indian; that affiant has since, and in recent years, known said William Wilburn Quillin, and that said William Wilburn Quillin has always been reputed to be an Indian. By the ex parte affidavit of Peter Wolf it is attempted to be shown that affiant knew Mary Quillin, nee Semore, to be a Choctaw Indian. By the ex parte affidavit of J. D. Woods it is attempted to be shown that affiant has known William Wilburn Quillin for years, and believes from his reputation that he is an Indian. By the ex parte affidavit of J. F. Hopson it is attempted to be shown that he knew Mary Quillin and knows William Wilburn Quillin; that affiant recognized said Mary Quillin from her reputation and appearance as a half blood Choctaw Indian. By the ex parte affidavit of Shadrack Potts it is attempted to be shown that in Mississippi, about the year 1830, he knew Mary Quillin and her son, William Wilburn Quillin; that said Mary Quillin was an one-half or two-thirds Mississippi Choctaw Indian and was recognized as such by other Choctaw Indians. There is nothing in any of the affidavits which tends to show any compliance or attempted compliance on the part of the persons therein named,

with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but on the contrary, there is shown on the part of the said persons a non-compliance with the said provisions of article fourteen of the said treaty of Dancing Rabbit Creek, and there is nothing in said affidavits which tends to show any relationship between the said Mary Quillin or William Wilburn Quillin and the principal applicant herein. There is filed herewith the written petition of the applicant but it can not be considered in evidence as it is simply a statement of the facts expected to be proven by her.

The record in this case shows that on September 4, 1900, there was forwarded by the Commission to Cam C. Quillin, a written decision refusing the application he had made for himself and family as Mississippi Choctaws; that on October 10, 1900, a similar decision was forwarded to William M. Quillin; on February 26, 1901, a similar decision was forwarded to Allen H. Quillin; on February 26, 1901, a similar decision was forwarded to Minerva C. Viars; on February 26, 1901, a similar decision was forwarded to Florence Bone; on March 1, 1901, a similar decision was forwarded to Mary Montgomery; on March 1, 1901, a similar decision was forwarded to Allen H. Quillin; on March 15, 1901, a second copy of said decision was forwarded to said Allen H. Quillin, for the reason that the first one was sent out undated; on February 26, 1901, a written decision was forwarded by the Commission to William J. Stanfield, refusing the application he had made for himself as a Mississippi Choctaw.

On December 3, 1900, the records in the cases of Cam C. Quillin et al., and William M. Quillin et al., were forwarded to

the Secretary of the Interior.

On July 31, 1901, the Commissioner of Indian Affairs, acting under the instructions of the Secretary of the Interior, remanded to this Commission the records theretofore forwarded the Secretary of the Interior in these several cases, for further hearing.

In accordance with instructions of the Commissioner of Indian Affairs, the Commission to the Five Civilized Tribes on September 15, 1901, notified William H. Quillin and Cam C. Quillin, the principal applicants in the cases so remanded, and also William Wilburn Quillin, Allen H. Quillin, Benjamin Franklin Quillin, Thomas Quillin, William J. Stanfield, Teresse C. Quillin, Charles H. Quillin, Minerva C. Viars, Florence Bone, Amanda C. Jamison, Mary H. Stanfield, Charles C. Quillin and Mary A. Montgomery, who had applied for identification as Mississippi Choctaws, claiming descent from the same common ancestor, but whose cases had not theretofore been forwarded to the Secretary of the Interior, that at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, on Tuesday, November 12, 1901, at nine o'clock A. M., there would be heard the testimony of such witnesses as might be presented by any of said applicants, or on behalf of the Choctaw and Chickasaw Nations. Notice was at the same time given to the said parties and their attorneys of record that the applications of William Wilburn Quillin et al., Allen H. Quillin et al., Benjamin Franklin Quillin et al., Thomas Quillin et al., William J. Stanfield, Teresse C. Quillin, Cam C. Quillin, et al., Charles H. Quillin, William H. Quillin et al., Minerva C. Viars et al., Florence Bone et al., Amanda C. Jamison et al.,

Mary E. Stanfield et al., Charles C. Quillin et al., and Mary A. Montgomery et al., would be consolidated and considered together under the head of William Wilburn Quillin et al., as claiming through the same common ancestor. Notice to the same effect was on the same day given to Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations.

On November 12, 1901, at the office of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, at nine o'clock A. M., this case was called for hearing, and at that time and place personal appearance was made by Charles C. Quillin, Mrs. K. E. Quillin, Cam C. Quillin and Teressa C. Quillin, applicants and parties to this consolidatedcase, and by Chester Howe and J. A. Templeton, attorneys of record for all the applicants. No appearance was made on behalf of the Choctaw and Chickasaw Nations. At this rehearing there was submitted the oral testimony of Cam C. Quillin, one of the applicants in this group of consolidated cases, wherein he attempts to trace his alleged Choctaw descent to one Mary Quillin, nee Semere, who he alleges was his paternal grandmother, and who was an one-half blood Choctaw Indian, married and living as the head of a family in the state of Mississippi in 1830, and who he states came to Indian Territory with her family in the early thirties, together with other Choctaw Indians who were removed from the state of Mississippi by the United States government, and that the said Mary Quillin lived thereafter in the Indian Territory for several years and afterwards removed to the state of Texas. Affiant also testified as to the relationship of all the applicants in this consolidated case. There was also submitted the oral testimony of Charles C.

Quillin, one of the applicants in this group of consolidated cases, wherein he attempts to trace his alleged Choctaw descent through his father, William Wilburn Quillin, to his grandmother, Mary Quillin, nee Semore, who he alleges was an one-half blood Choctaw Indian married and living as the head of a family in the state of Mississippi in 1830. It is expressly stated in his testimony that said Mary Quillin with her family, including this witness' father, then a little boy, removed from the state of Mississippi soon after the ratification of the treaty of Dancing Rabbit Creek, with the other Choctaw Indians who were then removed from Mississippi by the United States government, and that they settled in the Choctaw Nation, Indian Territory, and remained there some years, and then removed to the state of Texas. Affiant also testified as to the relationship of all the applicants in this consolidated case. At this rehearing the attorney for the applicants offered the testimony of William Wilburn Quillin, one of the applicants in this consolidated case, taken before the Dawes Commission at the time of the making of his original application, and also the affidavit of said William Wilburn Quillin, both of which were on file in the case of William Wilburn Quillin in this consolidated case, by which testimony and affidavit said William Wilburn Quillin attempted to trace his alleged Choctaw descent to his mother, Mary Quillin, nee Seymore, who he alleged was an one-half blood Choctaw, married and living as the head of a family, including this applicant, then a little boy, in the state of Mississippi, in 1830. He expressly states that said Mary Quillin with her family removed from the state of Mississippi, soon after the ratification of the treaty of Dancing Rabbit Creek, with the other

Choctaw Indians who were then removed from Mississippi by the United States government, and that they settled in the Choctaw Nation, Indian Territory, and remained there some years, and that the said Mary Quillin never thereafter returned to the state of Mississippi. There was also submitted the oral testimony of Teressa C. Quillin, one of the applicants, wherein she attempted to prove the alleged descent of her deceased husband, Charles C. Quillin, from one Mary Quillin, nee Semore, named above, who she alleges was her husband's mother, and was an one-half blood Choctaw, and was born and married in the state of Mississippi. Affiant also testified as to the family relationship of all of the applicants in this consolidated case. There was nothing in the testimony submitted at the rehearing which in any way tended to show any compliance or attempt of compliance on the part of any of the applicants in this group of consolidated cases, or any of their ancestors referred to, with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but on the contrary it is conclusively shown that the alleged common Choctaw ancestor of applicants, married and residing in the state of Mississippi as the head of a family, removed from the state shortly after the making of said treaty, and remained away for several years, and consequently could not have complied or attempted to comply with the provisions of article fourteen of the treaty of 1830. It does not appear upon an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of 1830, that any person by the name of Mary Quillin, or Mary Semore, ever signified her intention to Colonel William Ward, Indian Agent, Choctaw Agency,

to comply with the provisions of article fourteen, or presented her claim as a beneficiary under said article to either of the Commissions duly authorized by the Acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims. The record further shows that at this rehearing a motion was made by the attorneys for the several applicants, asking that the application of William Wilburn Quillin for his wife, Kizziah E. Quillin; that of Allen H. Quillin for his wife, Orrie E. Quillin; that of Thomas Quillin for his wife, Lou Smith Quillin; that of Mary E. Stanfield for her husband, Joseph Stanfield;That of Cam C. Quillin for his wife, Mairy M. Quillin; that of Teressa C. Quillin as the widow of Charles C. Quillin, deceased; that of William E. Quillin for his wife, Tennessee E. Quillin; that of Florence Bone for her husband, Robert H. Bone; that of Charles C. Quillin for his wife, Bessie J. Quillin; that of Amanda C. Jamison for her husband, Frank G. Jamison; that of Mary A. Montgomery for her husband, George Montgomery; that of Benjamin Franklin Quillin for his wife, Fannie Pullen Quillin; (the claims of said parties being based solely on the fact of intermarriage with the applicants for identification as Mississippi Choctaws) be withdrawn, and that the said applications were thereupon dismissed by the Commission.

The Commission, in view of the fact that the several applicants in this group of consolidated cases have had sufficient time in which to present their testimony, considers these cases as closed. The evidence offered in support of said applications embraces the oral statements of the several applicants given at the making of their original applications, the ex parte affidavits filed by them, and the oral statements of Cam C. Quillin

Charles C. Quillin and Teressa C. Quillin given at the rehearing of the consolidated applications. By the evidence so submitted it is attempted to be shown that the common ancestor, through whom these applicants claim their rights to identification as Mississippi Choctaws, and who was married and the head of a family in 1830, is Mary Quillin, nee Semore, but in view of the fact that it is conclusively shown that said Mary Quillin was married and the head of a family in 1830, these applicants can not rely upon the compliance or attempted compliance of a more remote common ancestor with the provisions of article fourteen of the treaty of 1830, known as the treaty of "Dancing Rabbit Creek", but must show such compliance on the part of Mary Quillin. Not only is such compliance or attempted compliance on the part of the said Mary Quillin not shown or attempted to be shown, but it is conclusively established by the testimony offered that the said Mary Quillin with her family removed from the Choctaw Nation in the state of Mississippi with the first band of Choctaw Indians who left said state in 1832 or 1833, soon after the making of the treaty of 1830, and came with them to the Choctaw Nation, Indian Territory, where she resided for several years, afterwards removing to the state of Texas where she also resided for several years, and that she never afterwards returned to the state of Mississippi; so it appears clearly not only that said common ancestor, Mary Quillin, was not one of those Choctaw Indians who remained in the state of Mississippi and complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that she was one of those Choctaw Indians who were, in pursuance with the terms of said treaty of Dancing Rabbit Creek,

removed by the United States government from the state of Mississippi to their new homes in the Choctaw Nation, Indian Territory.

From an examination of the records in the possession of the Commission of those persons who did comply or attempted to comply with the provisions of article fourteen of the treaty of 1830, the Commission does not find that any person by the name of Quillin ever signified their intention to Colonel William Ward, Indian Agent, Choctaw Agency, to comply with the provisions of article fourteen, or presented their claims as beneficiaries under said article to either of the Commissions duly authorized by the Acts of Congress of March 3, 1837, and August 23, 1842, for the adjudication of such claims.

The authority vested in the Commission by the 21st section of the Act of Congress of June 28, 1898, is as follows:

> "Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of

William Wilburn Quillin	Allen H. Quillin
William T. Quillin	Lucy Catherine Quillin
Benjamin Franklin Quillin	Neva C. Quillin
Thomas Quillin	Frank Quillin
William J. Stanfield	Cam C. Quillin
Alberta Quillin	Charles Quillin
Charles M. Quillin	William M. Quillin
Alice V. Quillin	Willie May Quillin
Florence A. Quillin	Minerva C. Viars
Lawrence G. Quillin	Florence Bone
Frances Viars	Tommy Elizabeth Bone
Catherine Bone	Joseph C. Jamison

Amanda C. Jamison	David K. Jamison
William Q. Jamison	Mary E. Stanfield
Charles F. Jamison	Charles C. Quillin
Nellie Lee Stanfield	Mary L. Quillin
Virginia P. Quillin	Carrey C. Quillin
Hazel V. Quillin	Mary A. Montgomery

as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Kizziah E. Quillin; by Allen H. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Fairy Quillin; by Teressa C. Quillin, as the wife of Charles C. Quillin, deceased; by William E. Quillin for his wife, Tennessee E. Quillin; by Florence Bone for her husband, Robert H. Bone; by Charles C. Quillin for his wife, Bessie J. Quillin; by Amanda C. Jamison for her husband, Frank G. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Pullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory.

MAR 3 1902

C. R. Breckinridge
Commissioners.

Department of the Interior.

Commission to the Five Civilized Tribes.

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In the matter of the application of William W. Quillin et al., for identification as Mississippi Choctaws, consolidating the applications of

William W. Quillin et al.,	M.C.R.	81
Allen H. Quillin et al.,	"	82
Benjamin F. Quillin et al.,	"	83
Thomas Quillin et al.,	"	84
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Teressa Quillin,	"	110
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Minerva C. Viars et al.,	"	360
Florence Bone et al.,	"	362
Amanda C. Jamison et al.,	"	364
Mary E. Stanfield et al.,	"	365
Charles C. Quillin et al.,	"	469
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List of papers forwarded to the Secretary of the Interior with the record in the above case, together with the page occupied by each in said record.

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Original application of William W. Quillin for enrollment as a Choctaw..... 1.

Original application of William W. Quillin et al., for identification as Mississippi Choctaws..... 2.

Affidavits of William W. Quillin (2)..... 6.

Written petition of William W. Quillin and his wife, Kizziah E. Quillin, to the Dawes Commission..... 8.

Affidavit of Peter Wolf.....12.

Affidavit of Thomas W. Collins.....13.

Affidavit of Elijah Colbert.....14.

Affidavit of Mrs. K. H. Hightower.....15.

Affidavit of J. P. Hopson (No. 1).....16.

Affidavit of J. D. Woods.....17.

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William Wilburn Quillin for identification as a Mississippi Choctaw, and for the identification of his wife, Kizziah Elizabeth Quillin, as an intermarried Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that William Wilburn Quillin appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for identification as a Mississippi Choctaw, andfor the identification of his wife, Kizziah Elizabeth Quillin, as an intermarried Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and theChoctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may adminster oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification as a Mississippi Choctaw of William Wilbum Quillin and for the identification of his wife, Kizziah Elizabeth Quillin, as an intermarried Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory,

R-457

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William W. Quillin for enrollment as a citizen of the Choctaw Nation.

D e c i s i o n .

The applicant, William W. Quillin, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission .

Therefore, the application of William W. Quillin for enrollment as a citizen of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the _____day of _____, 1901.

Cam or
Charles C. Quillin 1/2 Dead
married
R/1° Teresa C. Hartzog

Mary Elmore 1/2 Dead
married
Charles Quillin
Dead

William W. Quillin 72. 1/8.

R/23b Charles E. Quillin 49. 1/8

R/36b Mary E. Quillin, 47 1/8
married
Joseph Stanfield, white,
- R/95 William J. Stanfield, 23
- R/36b Nellie Lee Stanfield, 19

R/94 Thomas J. Quillin 43 1/8,
married
Lou Smith, white,
- R/94 Frank Quillin 14

R/360 Minerva C. Quillin 39. 1/8
married
John B. Viars, white,
- R/360 Frances Viars 9

R/83 Benjamin F. Quillin 35 1/8,
married
Fannie Pullen, white
- Neva C. Quillin Infant
  born since application Ctt
  Ctfpiece filed 1/14/01

R/36d Amanda C. Quillin 38 1/8.
married
Frank G. Jamison, white,
- R/36d Joseph C. Jamison, 19
- " William A. Jamison, 17
- " David K. Jamison, 13
- " Charles F. Jamison, 9

R/362 Florence Quillin 33 1/8
married
Robert H. Bone, white,
- R/362 Catherine Bone, 9
- " Tommy Elizabeth Bone, 2

R/109 Cam C. Quillin, 31 1/8.
married
Fairy M. Winnis, white,
- R/109 Alberta Quillin, 14.
- " Charles Quillin Infant
  born since application Ctt
  Ctfpiece filed 12/12/01

R/326 William E. Quillin, 42 1/8,
married
Tennessee E. Begley, white
- R/326 Alice V. Quillin. 13
- " Florence A. Quillin. 10
- " Willie Quillin. 5
- " Lawrence G. Quillin. 1

R/169 Charles C. Quillin, 40 1/8,
married
- R/169 Mary L. Quillin, 8
- " Virginia F. Quillin, 6

Claimants as Mississippi
Choctaws by intermarriage

R/81 Keziah Elizabeth Quillin
wife of William W. Quillin

R/82 Annie Quillin
wife of Allen N. Quillin

R/84 Lou Quillin
wife of Thomas Quillin

R/36b Joseph Stanfield
husband of Mary E. Stanfield

R/109 Fairy M. Quillin
wife of Cam C. Quillin

R/110 Teresa C. Quillin
wife of Charles C. Quillin dec'd

R/326 Tennessee Quillin
wife William E. Quillin

R/362 Robert H. Bone
husband of Florence Bone

R/169 Bessie J. Quillin
wife of Charles C. Quillin

R/36d Frank G. Jamison
husband of Amanda C. Jamison

R/482 George Montgomery
husband of Mary A. Montgomery

R/83 Fannie Pullen
wife of Benj. F. Quillin

Mary Elmore 1/2 Dead
married
Charles Quillen Dead

Cam or
Charles C. Quillen 1/2 Dead
married
1° Jennie C. Hartzog

William W. Quillen 72. 1/8.
married
Keziah Elizabeth Hartzog
white

1° Minerva C. Quillen
married
John B. Viars, white,

- Frances Viars 9

R 83 Benjamin F. Quillen 35 1/8
married
Fannie Pullen, white

- Neva C. Quillen Infant
born since application to Dawes
filed 1/4/01

R 362 Amanda C. Quillen 35 1/8.
married
Frank G. Jamison, white,

- Joseph C. Jamison, 19
- " William C. Jamison, 17
- " David K. Jamison, 13
- " Charles F. Jamison, 9

R 362 Florence Quillen 33 1/8
married
Robert H. Bone, white,

- R 362 Catherine Bone, 9
- " Tommy Elizabeth Bone, 2

R 109 Cam C. Quillen, 31 1/8.
married
Fairy M. Nunnis, white,

- R 109 Alberta Quillen, 14.
- " Charles Quillen Infant
born since application to Dawes
enrollment filed 12/12/01

R 326 William E. Quillen, 42 1/8.
married
Jennie E. Begley, white,

- Alice V. Quillen. 13
- " Florence A. Quillen. 10
- " Willie Quillen. 4
- " Lawrence G. Quillen. 1

R 169 Charles C. Quillen, 40 1/8.
married
Bessie J. Whitmore, white,

- R 169 Mary L. Quillen, 8
- " Virginia P. Quillen, 5
- " Carey C. Quillen, 2
- " Dairy V. Quillen 6 mos

R 83 Mary A. Quillen 55 1/8.
married
George Montgomery

- Alice A. Quillen, 21 1/8.
married
Chas [illegible], white,

- R 83 William T. Quillen 3
- " Lacy C. Quillen 6 mos

R 326 Jennie Quillen
wife William E. Quillen

R 362 Robert H. Bone
husband of Florence Bone

R 169 Bessie J. Quillen
wife of Charles C. Quillen

R 362 Frank G. Jamison
husband of Amanda C. Jamison

R 83 George Montgomery
husband of Mary A. Montgomery

R 83 Fannie Pullen
wife of Benj. F. Quillen

Muskogee, Indian Territory, May 17, 1900.

Mr. Chester Howe,

625 F Street, N.W.,

Washington, D.C.,

Dear Sir:

The Commission is in receipt of petition and exhibits in the case of William W. Quillan et al. vs. the Choctaw Nation, forwarded to the Honorable Secretary of Interior and the Commissioner of Indian Affairs, and by the Commissioner of Indian Affairs transmitted to this Commission. The petition is herewith returned to you for the reason that the Commission has ruled that it cannot accept petitions covering more than one family; and for the further reason that there is no record of any of the parties ever having appeared as applicants for identification as Missisippi Choctaws. The parties who appeared and gave testimony, as stated in your petition, applied for enrollment as Choctaws, and not for identification as Mississi pi Choctaws. The Commission cannot receive applications for identification as Mississippi Choctaws, except upon personal appearance of the applicant, when the party, under oath, may give sufficient evidence on which the Commission can render a decision, and also for forwarding to the Secretary of the Interior when the final rolls of the Choctaw Nation are sent up to him for review. The petitioners may now appear at this office if they desire. The Commission, however, will be at Atoka, in the Choctaw Nation, from Monday June 4th, to Friday June 8th, and at Colbert, in the Chickasaw Nation, from Monday June 11th, to Saturday

C.H. 2.

June 16th, 1900, inclusive, for the purpose of hearing applicants for enrollment in the Choctaw and Chickasaw Nations, and for identification as Mississippi Choctaws. On such personal appearance, the petitioners will be allowed to submit any additional written affidavits or testimony they may desire in furtherance of their claims. You will so advise the parties interested in this cause.

Yours truly,

Acting Chairman.

4-17

Atoka, Indian Territory, September 14, 1901.

The Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

There are enclosed you herewith letters prepared at this office to applicants in the following Mississippi Choctaw cases:

M.C. 81, William W. Quillin, et al.,
M.C. 82, Allen H. Quillin, et al.,
M.C. 83, Benjamin F. Quillin, et al.,
M.C. 84, Thomas Quillin, et al.,
M.C. 95, William J. Stanfield,
M.C. 109, Gam C. Quillin, et al.,
M.C. 110, Teressa Quillin,
M.C. 326, William E. Quillin, et al.,
M.C. 236, Charles N. Quillin,
M.C. 360, Minerva C. Vias, et al.,
M.C. 362, Florence Bone, et al.,
M.C. 364, Amanda C. Jamison, et al.,
M.C. 365, Mary E. Stanfield, et al.,
M.C. 469, Charles C. Quillin, et al.,
M.C. 482, Mary A. Montgomery, et al.

These cases have been prepared in accordance with instructions contained in Departmental letter of July 25, 1901, and rehearing set for Tuesday, November 12, 1901, at 9:00 o'clock A.M., at this office.

There is also enclosed herewith letter to the Commissioner

of Indian Affairs, informing him of the proceedings under such instructions.

Also letters to Messrs. Johnson & Horton, attorneys for the applicants, and Messrs. Mansfield, McMurray & Cornish, Attorneys for the Choctaw Nation, informing them of the date and place set for the rehearing.

Yours truly,

Muskogee, Indian Territory, October 4, 1901.

Mrs. K. E. Quillin,

Arthur,

Indian Territory.

Dear Madame:-

Receipt is hereby acknowledged of your letter of September 24th, 1901, wherein you advise the Commission of the demise of your husband, W. M. Quillin, and request that your interests be properly looked after.

In reply to your letter you are advised that it appears from our records that on June 15, 1900, at Colbert Indian Territory, William Wilburn Quillin appeared before this Commission and applied for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Kizziah Elizabeth Quillin, as an inter-married Mississippi Choctaw.

On July 31st, 1901, the Commissioner of Indian Affairs remanded to this Commission the record which had theretofore been forwarded to the Department for approval, with instructions that opportunity be given the applicant to introduce additional testimony of witnesses in support of such application.

In accordance with such instructions this case has been

[illegible] 22.

[illegible] for a Hearing at the Office of the Commission to the Five Civilized Tribes, at Muskogee, Indian Territory, on Tuesday, November 18, 1902 (at which time there will be heard the testimony of such witnesses as you may desire to present in support of your claim.

Yours truly,

M.O.B. 81.

Muskogee, Indian Territory, October 26, 1901.

Mrs. K. E. Quillan,

Arthur, Indian Territory.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 21st instant, in which you desire to be informed if it will be necessary for you to appear in person before this Commission at Atoka, Indian Territory, November 12, 1901, or can your attorney present the case in your behalf.

You are informed that it appears from our records that you are the widow of William W. Quillan, an applicant for identification as a Mississippi Choctaw and that at the time of such application, your husband applied for you as an intermarried Mississippi Choctaw.

The Commission refused the application made by your husband and on December 3, 1900, forwarded to the Secretary of the Interior the record so made for his consideration. On July 25, 1901, the Commissioner of Indian Affairs remanded the record in the case of William W. Quillan to this Commission for the introduction of additional testimony. In accordance with departmental instructions, notice was given the interested parties that at Atoka, Indian Territory, on Tuesday November 12, 1901, at nine A. M., the Commission would hear the testimony of such witnesses in person as the

Mrs K N Q 2

interested applicants might desire to present. It is not requisite that you or any of the applicants again present themselves in person although it would be advisable for you to do so but the testimony of such witnesses as you desire to introduce must be in person unless good cause is given for their non-appearance. In that case, it is probable that arrangements can be made for the taking of their depositions.

It will be necessary that some person representing the numerous applicants in this case be present on November 12, 1951, or otherwise default having been made by the applicants in the presentation of their claim, it will be the supposition of the Commission that it was not the intention of the applicants to further prosecute their claims.

Yours truly,

Acting Chairman.

MGR 81

Muskogee, Indian Territory, December [illegible], [illegible]

Charles Rush,
[illegible] F Street, N. W.
Washington, D.C.

Dear Sir:

In the matter of the consolidated Choctaw Freedmen cases of William W. Colbert et al., pursuant to Order Commission, Indian Territory, November 12, 1902, in which last [illegible] was made by you as attorney for claimants, to support, in lieu of affidavits, the depositions of the several affiants whose affidavits are filed in these cases; you are hereby notified that on or before January 20, 1903, depositions taken under said motion and in conformity with the rules and regulations of the Commission promulgated November 4, 1902, may be offered for filing in support of the applications of the several interested parties in said consolidated cases.

You are further notified that after the aforesaid date, January 20, 1903, this case will be finally closed, and thereafter no further testimony, depositions or other proceedings by the parties thereto will be considered by this Commission.

A copy of the rules and regulations of November 4, 1902,

C. E.--S.

is enclosed you herewith.

Yours truly,

M.C. Sl.

Commissioner in Charge.

Enclosure.

Muskogee, Indian Territory, December 30, 1901.

Chester Howe,

633 F Street, N. W.

Washington, D.C.

Dear Sir:

In the matter of the consolidated Mississippi Choctaw cases of William W. Quillin et al., reheard at Atoka, Choctaw Nation, Indian Territory, November 12, 1901, at which time a motion was made by you as attorney for applicants, to supply, in lieu of affidavits, the depositions of the several affiants whose affidavits are filed in these cases; you are hereby notified that on or before January 28, 1902, depositions taken under said motion and in conformity with the rules and regulations of the Commission promulgated November 4, 1901, may be offered for filing in support of the applications of the several interested parties in said consolidated cases.

You are further notified that after the aforesaid date, January 28, 1902, this case will be finally closed, and thereafter no further testimony, depositions or other proceedings by the parties thereto will be considered by this Commission.

A copy of the rules and regulations of November 4, 1901,

C. H.--2.

is enclosed you herewith.

Yours truly,

M.C. 81.

Commissioner in Charge.

Enclosure.

Muskogee, Indian Territory, December 30, 1901.

J. A. Templeton,

Attorney at Law,

Sherman, Texas.

Dear Sir:

In the matter of the consolidated Mississippi Choctaw cases of William W. Quillin et al., reheard at Atoka, Choctaw Nation, Indian Territory, November 12, 1901, at which time a motion was made by you as attorney for applicants, to supply, in lieu of affidavits, the depositions of the several affiants whose affidavits are filed in these cases; you are hereby notified that on or before January 28, 1902, depositions taken under said motion and in conformity with the rules and regulations of the Commission promulgated November 4, 1901, may be offered for filing in support of the applications of the several interested parties in said consolidated cases.

You are further notified that after the aforesaid date, January 28, 1902, this case will be finally closed, and thereafter no further testimony, depositions or other proceedings by the parties thereto will be considered by this Commission.

A copy of the rules and regulations of November 4, 1901,

J. A. T.--2.

is enclosed you herewith.

Yours truly,

M.C. 81

Commissioner in Charge.

Muskogee, Indian Territory, December 30, 1901.

J. A. Templeton,

Attorney at Law,

Sherman, Texas.

Dear Sir:

In the matter of the consolidated Mississippi Choctaw cases of William W. Quillin et al., reheard at Atoka, Choctaw Nation, Indian Territory, November 12, 1901, at which time a motion was made by you as attorney for applicants, to supply, in lieu of affidavits, the depositions of the several affiants whose affidavits are filed in these cases; you are hereby notified that on or before January 28, 1902, depositions taken under said motion and in conformity with the rules and regulations of the Commission promulgated November 4, 1901, may be offered for filing in support of the applications of the several interested parties in said consolidated cases.

You are further notified that after the aforesaid date, January 28, 1902, this case will be finally closed, and thereafter no further testimony, depositions or other proceedings by the parties thereto will be considered by this Commission.

A copy of the rules and regulations of November 4, 1901,

J. A. T.--2.

is enclosed you herewith.

Yours truly,

M.C. 31

Commissioner in Charge.

COPY.

M. C. R. 81.

Muskogee, Indian Territory, March 3, 1902.

Mr. Chester Howe,

#623 F. St., N. W.,

Washington, D. C.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 81
Allen H. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teressa C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles E. Quillin,	M C R 236
William E. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Bone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary M. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

C. N. 2.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen H. Quillin, William T. Quillin, Lucy Catherine Quillin, Benjamin Franklin Quillin, Neva C. Quillin, Thomas Quillin, Frank Quillin, William J. Stanfield, Cam C. Quillin, Alberta Quillin, Charles Quillin, Charles H. Quillin, William H. Quillin, Alice V. Quillin, Willie May Quillin, Florence A. Quillin, Minerva C. Viars, Lawrence G. Quillin, Florence Bone, Frances Viars, Tommy Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David K. Jamison, William Q. Jamison, Mary N. Stanfield, Charles F. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary L. Quillin, Virginia F. Quillin, Garrey C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Kizziah E. Quillin; by Allen H. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Fairy Quillin; by Teressa C. Quillin as the wife of Charles C. Quillin, deceased; by William H. Quillin for his wife, Tennessee H. Quillin; by Florence Bone for her husband, Robert H. Bone; by Charles C. Quillin for his wife, Bessie F. Quillin; by Amanda C. Jamison for her husband, Frank G. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Pullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. D. Needles.

Commissioner in charge.

Registered.

M. C. R. 81.

COPY

Muskogee, Indian Territory, March 3, 1902.

Mr. J. A. Templeton,

Sherman, Texas.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 81
Allen H. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teressa C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles E. Quillin,	M C R 236
William E. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Bone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary E. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

J. A. T. S.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen H. Quillin, William T. Quillin, Lucy Catherine Quillin, Benjamin Franklin Quillin, Neva C. Quillin, Thomas Quillin, Frank Quillin, William J. Stanfield, Cam C. Quillin, Alberta Quillin, Charles Quillin, Charles H. Quillin, William H. Quillin, Alice V. Quillin, Willie May Quillin, Florence A. Quillin, Minerva C. Viars, Lawrence C. Quillin, Florence Bone, Frances Viars, Tenny Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David M. Jamison, William Q. Jamison, Mary E. Stanfield, Charles F. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary L. Quillin, Virginia P. Quillin, Carrey C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Kissiah E. Quillin; by Allen H. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Fairy Quillin; by Teresam C. Quillin as the wife of Charles C. Quillin, deceased; by William H. Quillin for his wife, Tennessee H. Quillin; by Florence Bone for her husband, Robert H. Bone; by Charles C. Quillin for his wife, Bessie J. Quillin; by Amanda C. Jamison for her husband, Frank G. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Pullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

T. B. Madden

Registered. Commissioner in charge.

COPY. M. C. R. 81.

Muskogee, Indian Territory, March 3, 1902.

Johnson & Horton,

Durant, Indian Territory.

Gentlemen:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 81
Allen H. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teressa C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles E. Quillin,	M C R 236
William E. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Rone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary E. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 462

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen H. Quillin, William T. Quillin, Lucy Catherine Quillin, Benjamin Franklin Quillin, Neva C. Quillin, Thomas Quillin, Frank Quillin, William J. Stanfield, Cam C. Quillin, Alberta Quillin, Charles Quillin, Charles E. Quillin, William E. Quillin, Alice V. Quillin, Willie May Quillin, Florence A. Quillin, Minerva C. Viars, Lawrence G. Quillin, Florence Bone, Frances Viars, Tommy Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David K. Jamison, William Q. Jamison, Mary E. Stanfield, Charles F. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary L. Quillin, Virginia P. Quillin, Carroy C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Kizziah E. Quillin; by Allen H. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary

E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Fairy Quillin; by Teresa C. Quillin as the wife of Charles C. Quillin, deceased; by William E. Quillin for his wife, Tennessee E. Quillin; by Florence Bone for her husband, Robert H. Bone; by Charles C. Quillin for his wife, Bessie J. Quillin; by Amanda C. Jamison for her husband, Frank C. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Pullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Registered. Commissioner in charge.

M. C. R. Al.

COPY.

Muskogee, Indian Territory, March 3, 1902.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Wilburn Quillin, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of March 3, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

William Wilburn Quillin, et al.,	M C R 81
Allen N. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teresa C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles M. Quillin,	M C R 236
William M. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Bone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary E. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations

S. of the I. S.

have been duly advised by registered letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED). T. B. Needles.
Commissioner in charge.

Through the Commissioner
of Indian Affairs.

1 enclosure.

M. C. R. 81.

COPY.

Muskogee, Indian Territory, March 3, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 81
Allen H. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teressa C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles E. Quillin,	M C R 236
William R. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Bone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary E. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

M. McM., & C. .. Z.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen H. Quillin, William T. Quillin, Lucy Catherine Quillin, Benjamin Franklin Quillin, Neva C. Quillin, Thomas Quillin, Frank Quillin, William J. Stanfield, Cam C. Quillin, Alberta Quillin, Charles Quillin, Charles E. Quillin, William H. Quillin, Alice V. Quillin, Willie May Quillin, Florence A. Quillin, Minerva C. Viars, Lawrence G. Quillin, Florence Bone, Frances Viars, Tommy Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David K. Jamison, William Q. Jamison, Mary E. Stanfield, Charles F. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary L. Quillin, Virginia P. Quillin, Carrey C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Kissiah E. Quillin; by Allen H. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Fairy Quillin; by Teresa C. Quillin as the wife of Charles C. Quillin, deceased; by William E. Quillin for his wife, Tennessee E. Quillin; by Florence Bone for her husband, Robert F. Bone; by Charles C. Quillin for his wife, Bessie J. Quillin; by Amanda C. Jamison for her husband, Frank G. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Fullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

SIGNED T. D. Meadlos.

Registered. Commissioner in charge.

COPY

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

Land
19731--1902.

WASHINGTON, April 16, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report made on March 3, 1902, by the Commission to the Five Civilized Tribes, forwarding the record in the matter of the application for identification as Mississippi Choctaws of the following named persons:

William Wilburn Quillin, et al.,
Allen H. Quillin, et al.,
Benjamin Franklin Quillin, et al.,
Thomas Quillin, et al.,
William J. Stanfield,
Teresa C. Quillin,
[illegible] Quillin, et al.,
Charles E. Quillin,
William E. Quillin, et al.,
Minerva C. Viars, et al.,
Florence Bone, et al.,
Amanda C. Jamison, et al.,
Mary E. Stanfield, et al.,
Charles C. Quillin, et al.,
Mary A. Montgomery, et al.,

The Commission on March 3, 1902, decided adversely to the applicants. This office has carefully examined the papers transmitted by the Commission and also the records in its files, and fails to find on the list of 14th article claimants the names of any of the persons claimed to be the ancestors of

the applicants. It is therefore respectfully recommended that the Commission be advised that its decision is affirmed.

Very respectfully,
Your obedient servant,

A. C. Tonner,

Acting Commissioner.

W.C.V. (S)

MBW
81

24284

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

R

April 22, 1902.

I.T.D.2464-1902.
File 898-1898.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

On March 3, 1902, you transmitted the record in the consolidated case of the following mentioned parties for identification as Mississippi Choctaws, viz:

William Wilburn Quillin, et al.,
Allen M. Quillin, et al.,
Benjamin Franklin Quillin, et al.,
Thomas Quillin, et al.,
William J. Stanfield,
Teresa C. Quillin,
Sam C. Quillin, et al.,
Charles E. Quillin,
William N. Quillin, et al.,
Minerva C. Viars, et al.,
Florence Bone, et al.,
Amanda C. Jamison, et al.,
Mary E. Stanfield, et al.,
Charles C. Quillin, et al.,
Mary A. Montgomery, et al.

Originally applications were made for the enrollment of certain parties as Mississippi Choctaws by intermarriage, but afterward these applications were withdrawn and now all the applicants apply for enrollment as Mississippi Choctaws by blood.

It appears from the evidence that none of the applicants has ever been enrolled by the Choctaw tribal authorities as a citizen of that tribe, nor are their names found upon any of the tribal rolls of said nation in the possession of your

Commission, nor have they ever been admitted to Choctaw citizenship by a duly constituted court or committee of said nation, or by your Commission, or by a decree of the United States Court in Indian Territory.

All the applicants attempt to trace their descent from Mary Quillin, nee Semere, an alleged one-half blood Choctaw Indian, who was married and the head of a family in 1830, but it is conclusively established by the testimony offered that said Mary Quillin with her family removed from the Choctaw Nation in the State of Mississippi with the first band of Choctaw Indians who left said State in 1832 or 1833, soon after the making of the treaty of 1830, and came with them to the Choctaw Nation, Indian territory, where she resided for several years, afterward residing at different places but never returning to Mississippi.

In your decision of March 3, 1902, rejecting said applications, you state that since the common ancestor, Mary Quillin, was the head of a family and a resident of Mississippi in 1830, these applicants cannot rely upon the compliance or attempted compliance of a more remote common ancestor with the provisions of article fourteen of the treaty of 1830; that neither the testimony submitted nor the records in the possession of your Commission show that said Mary Quillin, or any other of the common ancestors of said applicants, ever complied or attempted

to comply with the said fourteenth article, or presented their claims as beneficiaries before either of the commissions authorized by the acts of congress of march 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat.,513), for the adjudication of such claims. See the opinion of the Assistant Attorney general of December 3, 1901, approved by the Department.

On April 16, 1902, the Acting Commissioner of Indian Affairs forwarded the papers in said case, stating that an examination of the records in the Indian office fails to disclose the names of any of the persons claimed to be ancestors of the applicants on the list of fourteenth article claimants, and he recommends that your decision be affirmed.

No objection appearing to your findings in the case, your decision in rejecting said applicants is accordingly affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan
Acting Secretary.
E.M.D.

1 inclosure.

M. C. R. 81

Muskogee, Indian Territory, May 2, 1902.

Johnson & Horton,

Attorneys at Law,

Durant, Indian Territory.

Gentlemen:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

M. C. R 81

Muskogee, Indian Territory, May 2, 1902.

Kizia Quillin,

Arthur, Indian Territory.

Dear Madam:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

M. C. R. 81

Muskogee, Indian Territory, May 2, 1902.

J. A. Templeton,

Attorney at Law,

Sherman, Texas.

Dear Sir:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

M. C. R. 81

Muskogee, Indian Territory, May 2, 1902.

Chester Howe,

623 F Street, N. W.,

Washington, D. C.

Dear Sir:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

M. C. R. 81

Muskogee, Indian Territory, May 2, 1902.

Messrs Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by r gistered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

(Date) June 15 ~~1899.~~ 1900.

Name [illegible]

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship (1/2)

Intermarried citizen?

Married under what law?

License filed this day,

Wife's name, Eliza

Choctaw? County Year No.

Chickasaw? County Year Page

Citizen by blood? Mother's citizenship

Intermarried citizen? [illegible]

Married under what law? Married

License filed this day

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Personal appearance and testimony given this 15th day of June 1900.

Names of children:

	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW. No. 81
REFUSED.

Ann N. Quillinet et al

Judgment written January 18, 1901.
B.C.J.

Choctaw MCR 82

Allen H. Quillin

MCR 82

See MCR 81

Allen H. Quillin 2 Ap

REFER TO M. C. R. 81

See Choctaw Card R #246

REFUSED.

MAR 13 1902

NOTICE OF DECISION MAILED APPLICANT. MAR 3 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS.

NOTICE OF DECISION FOR ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 3 1902

RECORD FORWARDED DEPARTMENT.

MAR 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 23 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT.

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS

1182-1482

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Allen H. Quillin for the enrollment of himself and children as Mississippi Choctaws, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Allen H. Quillin.
Q What is your age? A 33.
Q What is your post office address? A Arthur, I. T.
Q How long have you lived in the Indian Territory? A I have made it my home for the last two years.
Q When did you first come here? A In May, 1898.
Q Where did you come from? A Oklahoma.
Q How long did you live in Oklahoma Territory? A 4 years.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A William W. Quillin.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian? A He claimed to be.
Q What proportion of Choctaw blood did he claim to have? A 1/4
Q Was his name ever on the Choctaw Tribal rolls? A Not that I know of.
Q Was he ever recognized by the Tribal authorities as a Choctaw Indian? A Not that I know of.
Q What is the name of your mother? A Kizzie Quillin.
Q Is she living? A Yes, sir.
Q Was she a white woman or a Choctaw indian? A A white woman.
Q What proportion of Choctaw blood do you claim? A 1/8.
Q Has your name ever been on the Choctaw Tribal rolls? A No, sir.
Q Have you ever been recognized by the Tribal authorities as a Choctaw indian? A No, sir.
Q Did you ever apply to the Tribal authorities for enrollment as a Choctaw Indian? A At Durant, last summer.
Q That wasn't the Tribal authorities, did you apply to the Tribal authorities? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir.
Q You did apply in 1899? A Yes, sir, at Durant.
Q Did you claim to be a Mississippi Choctaw at that time?
A I don't think that I did, we didn't know there was a division, we didn't understand this Choctaw by blood and this Mississippi Choctaw.
Q You didn't know at that time that you were a Mississippi Choctaw, did you? A No, sir, and I think we applied as a Choctaw by blood.
Q Where did you first learn you were a Mississippi Choctaw? A At this place.
Q Here this last week? A Yes, sir, that there was a division between the two.
Q ,Under which treaty do you claim? A I claim under all that is beneficial to the Mississippi Choctaw tribe.
Q You don't base your claim exclusively on any particular article of any one treaty? A No, sir.
Q Did you ever take advantage of the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors? A Not that I know of.
Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.
Q Did any of your ancestors? A Not that I know of.
Q Are you married? A Yes, sir.
Q Are you claiming for your wife? A Yes, sir.

Allen H. Quillin - 2.

Q What do you claim her to be? A An intermarried Mississippi Choctaw.
Q What is her name? A Orrie Quillin.
Q What is the name of her father? A Thomas Bagley.
Q Is he living? A Yes, sir.
Q What is the name of her mother? A Margaret Bagley.
Q Is she living? A Yes, sir.
Q Is your wife a white woman? A Yes, sir.
Q She never claimed to be an indian? A No, sir.
Q Did you marry her under Choctaw law? A No, sir.
Q Where did you marry her? A In Oklahoma.
Q When? A In 1895.
Q Have you your marriage license and certificate with you?
A No, sir.
Q Do you wish to offer it in evidence? A Yes, sir.
Q Have you any children? A Yes, sir.
Q Do they live with you? A Yes, sir.
Q What are their names and ages? A William T. is 3, Lucy Catherine is 6 months.
Q Is there any additional statement you would like to make at this time? A No, sir.
Q Have you any papers you wish to file? A Not at present, my attorneys have I guess.

The Commission is unable from the testimony in this case to identify you or your children as Mississippi Choctaws, or your wife an an intermarried Mississippi Choctaw. The decision of the Commission, stating more fully its reasons for not finding it possible to identify you or any of the members of your family as Mississippi Choctaws under the provisions of the Act of Congress of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

(The affidavit of Allen H. Quillin offered in evidence and marked exhibit A and placed in evidence.)

---o---

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Allen H. Quillin for enrollment as a Choctaw; being sworn and examined by Com'r McK. Dunn he stated:

Q What is your name? A Allen H. Quillin.

Q How old are you? A 32

Q Are you on the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Your parents never have been on the Choctaw rolls? A No sir

---

Com'r McKennon: Your enrollment will be refused.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

M D Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Allen H. Quillin for enrollment as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

The applicant, Allen H. Quillin, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the said Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

Therefore, the application of the said Allen H. Quillin for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ _____1901.

FOR IDENTIFICATION AS
A MISSISSIPPI CHOCTAW.

Allen H. Quillen
et al

MCR
#82

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Allen H. Quillin for the identification of himself and his minor children, William T. and Lucy Catherine Quillin, as Mississippi Choctaws, and for the identification of his wife, Orrie Quillin, as an intermarried Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Allen H. Quillin appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of himself and his minor children, William T. Quillin and Lucy Catherine Quillin, as Mississippi Choctaws, and for the identification of his wife, Orrie Quillin, as an intermarried Mississippi Choctaw.

The only legislationvesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public - No.162), and is as follows, to-wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seventh, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the Commission that the application for identification of Allen H. Quillin for himself and for his minor children, William T. Quillin and Lucy Catherine Quillin, as Mississippi Choctaws, and for the identification of his wife, Orrie Quillin, as an intermarried Mississippi Choctaw, be and the same is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, [illegible] 1907

Muskogee, Indian Territory, February 26, 1901.

Allen S. Quillin,

Arthur, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commissioner's decision refusing your application and the application made by you on behalf of your minor children for identification as Mississippi Shoctaws and also for your wife as an inter-married Mississippi Shoctaw.

Yours truly,

Acting Chairman.

Encl. 1m
Reg.H.
M.C.R. 48

Muskogee, Indian Territory, September 18, 1901.

Mr. Allen R. Quillin,

Arthur, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of

Gus G. Quillin, et al.,
William R. Quillin, et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that you appeared before this Commission at Colbert, Indian Territory, on June 15, 1900, and applied for the identification as Mississippi Choctaws of yourself and minor child, claiming descent from the same common ancestor, and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized

A.N.C. 98

Tribes at Atoka, Indian Territory, on Tuesday, November 12, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 82

COPY. M. C. R. 82.

Muskogee, Indian Territory, March 3, 1902.

Allen M. Quillin,

Arthur, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 81
Allen M. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teresem C. Quillin,	M C R 110
Sam C. Quillin, et al.,	M C R 109
Charles M. Quillin,	M C R 236
William M. Quillin, et al.,	M C R 326
Minerva C. Viers, et al.,	M C R 360
Florence Ross, et al.,	M C R 362
Amanda C. Jackson, et al.,	M C R 364
Mary E. Stanfield, et al.,	M C R 366
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded -

A. N. S. H.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen N. Quillin, William T. Quillin, Mary Catherine Quillin, Benjamin Franklin Quillin, Eva G. Quillin, Thomas Quillin, Frank Quillin, William T. Stanfield, Ann G. Quillin, Alberta Quillin, Charles Quillin, Charles N. Quillin, William N. Quillin, Alice V. Quillin, Willie May Quillin, Florence L. Quillin, Minerva C. Vines, Lawrence A. Quillin, Florence Bone, Frances Vines, Mamie Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David L. Jamison, William C. Jamison, Mary E. Stanfield, Charles T. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary Lee Quillin, Virginia F. Quillin, Harvey C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Elizabeth E. Quillin; by Allen N. Quillin for his wife, Ovie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Gus C. Quillin for his wife, Fairy Quillin; by Forbesa C. Quillin as the wife of Charles C. Quillin, deceased; by William N. Quillin for his wife, Tennessee E. Quillin; by Florence Bone for her husband, Robert E. Bone; by Charles C. Quillin for his wife, Bessie F. Quillin; by Amanda C. Jamison for her husband, Frank D. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Pulsen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.

Commissioner in charge.

Registered.

M. C . R. 82

Muskogee, Indian Territory, May 2, 1902.

Allen H. Quillin,

Arthur, Indian Territory.

Dear Sir:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

MEMORANDA.

(Date) June 15 1900. ~~1900.~~

Name Allen H. Quillin, (33) Arthur, I.T.

Choctaw ? Miss County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? yes (1/8) Mother's citizenship (N S)

Intermarried citizen ? .....

Married under what law ? .....

License filed this day .....

~~Wife~~ Annie E. Quillin

Choctaw ? ..... County ..... Year ..... No. .....

Chickasaw ? ..... County ..... Year ..... Page .....

Citizen by blood ? ..... Mother's citizenship .....

Intermarried citizen ? .....

Married under what law ? Thomas T Bagley (father)

License filed this day ..... Margaret Bagley (mother)

Names of children:

	County	Year	Page	No.
2. William T.	County	Year	Page	No.
(Dec'd) Catharine	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.
	County	Year	Page	No.

FOR IDENTIFICATION AS MISSISSIPPI CHOCTAW.

Wm. W. Quillen (father) (1/4)

Kissie Quillen, (mother)

Choctaw MCR 83

Benj. F. Quillin

See MCR 81

MCR 83

Henry H. Guillin

REFER TO M. C. R. 81

See Choctaw Card R. 474

REFUSED.

NOTICE OF [illegible] MAILED APPLICANT.

NOTICE OF DECISION
FORWARDED ATTORNEY
FOR APPLICANTS. [illegible]

NOTICE [illegible] MAILED ATTORNEYS
FOR CHOCTAW AND CHICKASAW NATIONS. MAR 3 1902

RECORD FORWARDED DEPARTMENT.
MAR 3 1902

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 29 1902

NOTICE OF DEPARTMENTAL
ACTION MAILED APPLICANT. MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEY FOR APPLICANT. MAY [illegible] 1902

NOTICE OF DEPARTMENTAL ACTION
FORWARDED ATTORNEYS FOR CHOCTAW
AND CHICKASAW NATIONS. MAY 2 1902

12/3/01 Latest address Marlow I.T.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T., June 15, 1900.

In the matter of the application of Benjamin Franklin Quillin for enrollment as a Mississippi Choctaw, and for the enrollment of his wife as an intermarried Mississippi Choctaw; being sworn and examined by Acting Chairman Bixby, he testified as follows:

Q What is your name? A Benjamin Franklin Quillin.
Q What is your age? A 35.
Q What is your post office address? A Oscar now, Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A 15 years.
Q Where did you live before coming to the Chickasaw Nation.
A At Roberts, Choctaw Nation, and then I lived in Marlow before I lived there.
Q How long have you lived in the Territory? A 15 years.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A Yes, sir.
Q Did you ever live in Mississippi? A No, sir.
Q What is the name of your father? A Dan C. Quillin.
Q Is he living? A No, sir.
Q Was he a Choctaw Indian? A They tell me he was a Mississippi Choctaw by blood.
Q What proportion of Choctaw Indian blood did he claim to have?
A 1/8.
Q Was his name ever on the Choctaw Tribal rolls? A Not that I know of.
Q Was he ever recognized by the Tribal authorities as a Choctaw Indian? A By the people that came here with him from Mississippi.
Q I am talking about the Tribal authorities? A I don't know anything about them.
Q What was the name of your mother? A Catherine C. Quillin.
Q Is she living? A Yes, sir.
Q She is a white woman? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have 1/8.
Q I thought you said your father has 1/8? A My father has got 1/4.
Q Has your name ever been on the Choctaw Tribal rolls? A Not that I know of.
Q Have you ever applied to the Choctaw Tribal authorities for enrollment as a Choctaw Indian? A No, sir.
Q Did you apply to the Dawes Commission in 1896? A No, sir, in 1899.
Q You did apply in 1899? A Yes, sir.
Q You claim now to be a Mississippi Choctaw, do you? A Yes, sir
Q Did you apply to the Commission at Durant in 1899? A Yes, sir.
Q You didn't claim then to be a Mississippi Choctaw? A Yes, sir.
Q It is not so stated in the record of your case taken at the time? A It was a mistake in the people who put it down, it wasn't mine.
Q Do you mean to say you said you were a Mississippi Choctaw in 1899? A Yes, sir, I applied before you at that time.
Q And stated you were a Mississippi Choctaw? A Yes, sir, that is what I told.
Q When did you first discover that you were a Mississippi Choctaw?
A In 1897, I think.
Q Did you know that you were under oath when you made your statement at Durant in 1899? A Yes, sir.
Q I have been consulting a United States attorney, and I think I will submit the case for his consideration. I am satisfied you are making a false statement at this time. I am tired of hearing all this testimony of what people said at former examinations when we have

gone to the trouble and expense of taking it all down in shorthand. You claim now to be a Mississippi Choctaw? A Yes, sir.

Q Under which treaty do you claim? A 1830.

Q Do you claim under any particular article of that treaty?

A No, sir, I can't say that I do.

Q Did you ever take advantage of the provisions of the 14th article of the Treaty of 1830? A Not that I know of.

Q Did any of your ancestors? A Not that I know of.

Q Did you ever claim or receive any land as a beneficiary under the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A No, sir.

Q Did any of your ancestors? A Not that I know of.

Q Are you making any claim on behalf of your wife? A Yes, sir.

Q What do you claim her to be? A She is a white woman.

Q Is that all you claim her? A She is 1/16 marriage; I am 1/8 and I suppose she would be 1/16, I don't know what to claim.

Q What is her name? A Fannie Pullen.

Q How old is she? A She is 23 years of age.

Q What is the name of her father? W. W. Woods.

Q Is he living? A Yes, sir.

Q What is the name of her mother? A I don't know that.

Q Is she living? A Yes, sir.

Q Under what law did you marry? A Married under the law of the United States of America.

Q Where were you living? A Roberta, Choctaw Nation, when I married her

Q When did you marry? A October 4, 1899.

Q Have you your marriage license and certificate with you? A Yes, sir.

Q Would you like to place it on file? A Yes, sir.

(Marriage license offered in evidence and marked Exhibit A and placed on file.)

Q Have you any children? A No, sir.

Q Is there any additional statement you would like to make at this time? A Yes, sir.

Q Have you any papers to file? A Yes, sir, these, and I will have more afterwards.

(Affidavit of Wm. W. Quillin offered in evidence and marked Exhibit B; affidavit of Benjamin F. Quillin offered in evidence and marked Exhibit C.)

The Commission is unable from the testimony in this case to identify you as a Mississippi Choctaw or your wife as an intermarried 1/16 Mississippi Choctaw. The decision of the Commission showing more fully why it cannot enroll you and your wife as Mississippi Choctaws under the provisions of the Act of June 28, 1898, will be furnished you in writing and mailed to your present post office address.

———o———

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this the 29 day of June, 1900.

Commissioner.

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the Application of Benjamin F. Quillin for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he testifies:

Q What is your name? A Benjamin F. Quillin.

Q How old are you? A Thirty-four.

Q Are you on any of the Choctaw rolls? A No sir.

Q Never have been? A No sir.

Q Nor your parents? A No sir.

Q Were you born and raised in Texas? A I was born in Texas, yes sir.

Q How long did you live there? A About twenty years. And then I came to the Indian Nation.

Q How long did you stay there? A I have been here ever since.

Com'r McKennon: Enrollment refused, because you are not on the rolls.

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true, full and correct translation of my stenographic notes.

W. D. Green

7-R-474

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin F. Quillin for enrollment as a citizen by blood of the Choctaw Nation.

D e c i s i o n .

The applicant, Benjamin F. Quillin, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

It appears from an examination of the records in the possession of the Commission and the evidence in this case, that the name of the applicant has never been on the tribal rolls of the Choctaw Nation; and it does not appear that said applicant has ever been admitted to citizenship in the Choctaw Nation by the tribal authorities of said Nation. It further appears from said records and evidence, that the said applicant has never been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes acting under the Act of Congress of June 10, 1896; or by the United States Court in Indian Territory, on appeal from the decision of the tribal authorities, or the decision of the Commission.

Therefore, the application of Benjamin F. Quillin for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

The Commission to the Five Civilized Tribes,

Acting Chairman.

Muskogee, Indian Territory,

This the ____day of _____, 1901.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Benjamin Franklin Quillin for identification as a Mississippi Choctaw, and for the identification of his wife, Fannie Quillin, as an intermarried Mississippi Choctaw.

DECISION.

The record in this case shows that Benjamin Franklin Quillin, appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of himself as a Mississippi Choctaw, and for the identification of his wife, Fannie Quillin, as an intermarried Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission sh all have authority to determine the identit of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty seven, eighteen hundred and thirty.

It is therefore considered, ordered and adjudged by the

Commission that the application for identification of Benjamin Franklin Quillin, for himself as a Mississippi Choctaw and for the identification of his wife Fannie Quillin, as an intermarried Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory.

COMMISSIONERS:
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 27th, 1901.

Benjamin Franklin Quillin,

Oscar, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application for identification as a Mississippi Choctaw, and also for your wife as an inter-married Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
REG.M.
M.C.R. 83

Muskogee, Indian Territory, April 1[illegible]th, 1901.

E. H. Bond,

Attorney at Law,

Duncan, I. T.

Dear Sir:

Receipt is hereby acknowledged of your letter of April 4, 1901, asking for information in regard to the cases of Thomas Quillin and his son, Frank Quillin, of Oscar, Indian Territory, as to what final action, if any, has been taken.

You are informed that final action has not up to the present day been taken by the Commission in regard to said application.

When the decision of the Commission has been rendered, the applicants will be notified in writing, at their present post-office address.

Very Trly,

Encl.

Muskogee, Indian Territory, April 22, 1901.

Messrs. Davidson & Riddle,

Attorneys at Law,

Chickasha, Indian Territory,

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 18th inst., in which you desire to be advised whether or not the names of Joe Moore of Alex, Indian Territory, Frank Quillin of Marlow, Indian Territory, Benj Wooley of Terrell, Indian Territory, F.A. or T.A.Westbrook of Marlow, Indian Territory, and Josephine Martinnas, have been listed for enrollment in either the Choctaw or Chickasaw Nations.

You are informed that Benj. F. Quillin, 34 years of age, made personal appearance before the Commission at Durant, Indian Territory, in August 1899, and there made application for enrollment as a citizen of the Choctaw Nation, at which time his enrollment was refused. The names of Benj. F. Quillin and Fannie Quillin are found on Mississippi Choctaw Card Field No. R-83. No decision has been rendered relative to his right to enrollment as a citizen of the Choctaw Nation. When such decision is rendered, a copy thereof, stating in full the reasons for any action that may be taken by the Commission, will be mailed to him at his present postoffice address.

You are further informed that the names of Nancy Moore, 30 years of age, Willie, 12 years old, Joe, 8 years old, and Homer,

4 years old, appear upon Chickasaw Roll Card Field No.C-29, under date of September 22, 1898. The records of the Commission show that they were admitted by the United States Court for the Southern District of Indian Territory at Ardmore, Indian Territory, March 16, 1898, in Court Case No.13. The name of Joe Moore does not appear upon the records of this Commission as a citizen of either the Choctaw or Chickasaw Nations. The records show that the name of the husband of Nancy Moore is J. M. Moore.

The records of the Commission further show that the names of N. B. Woolsey, 49 years of age, and his two minor children, Ruth Belle and Napoleon B. Woolsey, are found on Chickasaw Roll Card Field No.C-194, under date of October 17, 1898, upon which date they were listed for enrollment as citizens of the Chickasaw Nation in accordance with a judgment rendered by the United States Court for the Southern District of Indian Territory at Ardmore, Indian Territory, December 21, 1897, in Court Case No.21. The above mentioned N. B. Woolsey is believed by the Commission to be the Benj Woolsey concerning whose status you inquire.

The records also show that the name of Josephine Rogers appears upon Chickasaw Roll Card Field No.C-1[illegible]. She was listed for enrollment as a citizen of the ~~Choctaw~~ Chickasaw Nation by this Commission September 23, 1898, in accordance with a judgment issued by the United States Court for the Southern District of Indian Territory at Ardmore, Indian Territory, March 13, 1891, Court Case No.77. It is shown by the records that she had been married to Thomas Rogers but at the date of her enrollment was divorced from him. She was

admitted by judgment of the court as Josephine Martenez.

Your inquiry relative to F.A. or T.A.Westbrook will receive further consideration upon receipt of further information from you, giving the full names, date of enrollment and such other information as you may have which will lead to their identification.

Yours truly,

Acting Chairman.

9-N-474
9-C-29
9-C-[illegible]23
9-C-194

Muskogee, Indian Territory, September 18, 1901.

Mr. Benjamin F. Quillin,
Omaar, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of

Sam C. Quillin, et al.,
William E. Quillin, et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that you appeared before this Commission at Colbert, Indian Territory, on June 18, 1900, and applied for identification as a Mississippi Choctaw, claiming descent from the same common ancestor, and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized

N.F.Q. #2

Tribes at Atoka, Indian Territory, on Tuesday, November 12, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

N.C. #3

Muskogee, Indian Territory, December 3, 1901.

Benjamin F. Quillin,

Marlow, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of evidence of the birth of Neva C. Quillin, infant daughter of Fannie and Benjamin F. Quillin, born August 5, 1901. The affidavits of the mother and the physician at the birth of this child have been accepted as evidence of such birth, and will be filed with and made a part of your original application for identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

MC 83

Muskogee, Indian Territory, December 20, 1901.

Taylor Percival,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant in which you state that there is a controversy existing between you and one, Frank Quillan, relative to the possession of a certain tract of land in the Chickasaw Nation and in which you desire to be informed if Frank Quillan has been enrolled as a bona fide citizen of the Choctaw Nation by this Commission.

You are informed that it appears from our records that on June 15, 1900, Benjamin F. Quillan, 36 years of age, of Oscar, Indian Territory, made application to this Commission for identification as a Mississippi Choctaw.

The name of Benjamin F. Quillan is not found upon any of the tribal rolls of the Choctaw Nation in the possession of the Commission nor does it appear that he has ever been duly and lawfully admitted to citizenship by the authorities of the Choctaw Nation or the United States and his present status is that of an applicant for identification as a Mississippi Choctaw, claiming rights in the Choctaw lands under the provisions of the fourteenth article of the treaty of 1830 whose rights have in no manner been

T P 2

determined by the Commission.

The Commission cannot at this time take any cognizance or make any record of any disputes between the citizens of the Choctaw and Chickasaw Nations relative to the possession of any certain tracts of land within the Choctaw and Chickasaw Nations. Matters of this character will receive the consideration of the Commission upon the establishment of an allotment office in the Choctaw and Chickasaw Nations for the purpose of allowing the citizens of these two tribes to make selection of and file upon their prospective allotments.

Yours truly,

Commissioner in Charge.

M C R 83

M. C. R. 63.

COPY.

Muskogee, Indian Territory, March 3, 1902.

Benjamin Franklin Quillin,

Oscar, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 61
Allen M. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Terrance C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles E. Quillin,	M C R 236
William M. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Bone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary N. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

E. B. G. E.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

Yet is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen N. Quillin, William T. Quillin, Lucy Catherine Quillin, Benjamin Franklin Quillin, Neva C. Quillin, Thomas Quillin, Frank Quillin, William J. Stanfield, Cam C. Quillin, Alberta Quillin, Charles Quillin, Charles N. Quillin, William N. Quillin, Alice V. Quillin, Willie May Quillin, Florence A. Quillin, Minerva C. Viars, Lawrence G. Quillin, Florence Bone, Frances Viars, Fanny Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David M. Jamison, William G. Jamison, Mary E. Stanfield, Charles F. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary L. Quillin, Virginia P. Quillin, Carrey C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Chester Indians entitled to rights in the Chester lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Elizabeth M. Quillin; by Allen N. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Nancy Quillin; by Teresa C. Quillin as the wife of Charles C. Quillin, deceased; by William N. Quillin for his wife, Permelate N. Quillin; by Florence Bone for her husband, Robert N. Bone; by Charles C. Quillin for his wife, Bessie J. Quillin; by Thomas A. Jamison for her husband, Frank E. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Jennie Pullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary.'

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) T. B. Needles.
Commissioner in charge.

Registered.

M. C. R. 84

Muskogee, Indian Territory, May 2, 1902.

Benjamin F. Quillin,

Oscar, Indian Territory.

Dear Sir:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

M. C. R. 83

Muskogee, Indian Territory, December 16, 1902.

Benjamin F. Quillan,

Doyle, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavits of the mother and attending physician, to the birth of your infant child, Charles Franklin Quillan, born September 17, 1902.

The same are herewith returned to you for the reason that on April 22, 1902, the Secretary of the Interior affirmed the decision of the Commission, refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and the identification of your wife as an intermarried Mississippi Choctaw. On May 2, 1902, you were duly notified of such departmental action.

Respectfully,

Acting Chairman.

1 inclosure.
M C R 83.

MEMORANDA.

(Date) June 15, 1900 ~~1899~~

Name Benj. F. Quillin (35) Oscar, I.T.

Choctaw ? Miss County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Yes (1/8) Mother's citizenship (N. S.)

Intermarried citizen ?

Married under what law ?

License filed this day,

Wife's name, Fannie Quillin, (23)

Choctaw ? County Year No.

Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ? (Yes)

Married under what law ? W. W. Woods, (father)

License filed this day — Woods, (mother)

Names of children:

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

County Year Page No.

FOR INDENTIFICATION AS A MISSISSIPPI CHOCTAW

K. C. Quillin, (father) (1/4)
Catherine C. Quillin, (mother)

Choctaw MCR 84

Thomas Quillin

See MCR 81

MCR 84

MISSISSIPPI CHOCTAW.

Thomas Quillin et al

REFER TO M. C. R. 81

See Choctaw Card R #247

REFUSED.

DECISION RENDERED. MAR 5 1902

NOTICE OF DECISION MAILED APPLICANT. MAR 3 1902

NOTICE OF DECISION FORWARDED ATTORNEY FOR APPLICANTS. MAR 1902

NOTICE OF DECISION MAILED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAR 1902

RECORD FORWARDED DEPARTMENT.

ACTION APPROVED BY SECRETARY OF INTERIOR. APR 22 1902

NOTICE OF DEPARTMENTAL ACTION MAILED APPLICANT. MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEY FOR APPLICANT. MAY 2 1902

NOTICE OF DEPARTMENTAL ACTION FORWARDED ATTORNEYS FOR CHOCTAW AND CHICKASAW NATIONS. MAY 2 1902

Commission to the Five Civilized Tribes,

Durant, Indian Territory.

In the application of Thomas Quillin for enrollment as a Choctaw; being sworn and examined by Com'r McKennon he states:

Q What is your name? A Thomas Quillin.

Q How old are you? A Forty-two.

Q Are you on the Choctaw rolls? A No sir.

Q Have you ever been? A No sir.

Q Have your parents ever been on the Choctaw rolls? A Not as I know of.

Q Where do you live? A In the Choctaw Nation.

Q When did you come here? A In 1895.

Q You were born and raised in Texas? A Yes sir.

Q And have been there always until you came here? A Yes sir.

Q You have been living here ever since you came? A Yes sir.

Com'r McKennon: Your enrollment is refused.

Department of the Interior,
Commission to the Five Civilized Tribes.
I hereby certify, upon my official oath as stenographer to above named Commission, that this transcript is a true and correct translation of my stenographic notes.

M D Green

Miss. Thos. R.34.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
COLLINS, IND. TER., JUNE 15, 1900.

In the matter of the application for identification as a Mississippi Choctaw of Thomas Quillin, said applicant being sworn by Acting Chairman Bixby, testified:

By the Commission:
Q What is your name? A Thomas Quillin.
Q Do you apply as a Mississippi Choctaw? A yes.
Q What is your age? A 43.
Q What is your postoffice address? A Oscar, I.T.
Q Chickasaw nation? A Yes.
Q How long have you lived at Oscar? A About one year.
Q Where did you live before you lived at Oscar? A Durant, Choctaw Nation.
Q How long did you live at Durant? A One year.
Q Where did you live before you went to Durant? A New Mexico.
Q How long did you live in New Mexico? A 15 years. I was born at Preston on just across the Washita river on the Texas side, and lived there until I went to ———
Q What is the name of your father? A Campbell C. Quillin.
Q Is he a white man? A No sir.
Q What is he? A Choctaw.
Q What proportion of Choctaw blood does he claim? A About 1/ 16.
Q Where does he live? A He is dead.
Q How long has he been dead? A He died, I believe, in '74.
Q Where did he die? A Whitesboro, Texas.
Q Did he ever live in the Indian Territory? A Yes.
Q During what period of time? A In his boyhood he lived at Kiamich in the Choctaw Nation.
Q Do you know whether he was ever recognized by the Choctaw tribal authorities as a citizen? A I don't know.
Q What was the name of your mother? A Teresa G. Quillin.
Q Is she living? A Yes.
Q Where does she live? A Among her children in the territory.
Q How old is she? A 52.
Q Is she a white woman? A yes.
Q Doesn't claim any Indian blood? A No sir.
Q What proportion of Indian blood do you claim? A 1/8.
Q Same as your father claimed? A I don't know- you asked me what I thought I was.
Q Does your name appear upon any of the tribal rolls of the Choctaw Nation as a Choctaw citizen? A No sir.
Q Have you ever made application to the lawfully constituted authorities of the Choctaw nation for citizenship in the Choctaw nation. A No sir.
Q Did you make application to the Five Civilized tribes, commonly known as the Dawes Commission, in the year 1896, for citizenship in the Choctaw Nation? A No sir.
Q Did you ever appear before this Commission before for identification as a Mississippi Choctaw Indian? A Yes.
Q When and where? A Last August at Durant.
Q Do you mean to swear at this time that you made application to the Commission to the Five Civilized tribes at Durant last year as a Mississippi Choctaw? A yes. (The testimony of Thomas Quillin taken before the Commission at Durant, Indian territory, in the year 1899 is examined and nothing is found therein to show that he made claim at that time as a Mississippi Choctaw.)

Q When did you first hear of such a person as a Mississippi Choctaw? A I think it was along about June last year.
Q You never had heard that there was such a thing as a Mississippi Choctaw prior to June, 1899? A Never had heard of it until then and Holmes Colbert told me about it.
Q Are you married? A Yes.
Q Do you make any claim for your wife? A Yes.
Q On what do you base your claim for your wife? A By intermarriage 1/16.
Q She,s a white woman? A Yes.
Q Do you mean to say that your marriage to her would make her 1/16 Choctaw blood? A Yes.
Q That would make her one-sixteenth Choctaw blood? A Yes.
Q You are as certain of that as any other testimony you have given before the Commission this evening? A Yes.
Q Where were you married to your wife? A New Mexico.
Q What was her name before she was married? A Lon Smith .
Q How old is she? A 32.
Q What was her father,s name? A Steve Smith.
Q What was her mother's name? A Don't know. Never saw her mother.
Q You were not married to this woman under the Choctaw laws? A No.
Q Married under the laws of New Mexico? A Yes.
Q At what point were you married? A Trinad.
Q Do you remember the date of the marriage? A In '66.
Q Do you desire to offer in evidence at this time your marriage license or certificate? A No sir.
Q Have you any children by this wife? A One.
Q What is its name? A Frank.
Q Age? A 14.
Q You make application for your son, Frank, for identification as a Mississippi Choctaw? A Yes.
Q The foundation of his claim is the same as your own? A Yes.
Q Under what treaty do you claim rights as a Mississippi Choctaw? A Treaty of 1830 and all other treaties that were beneficial to ~~our~~ tribe,our tribe.
Q What do you mean by the words "our tribe.?" A Choctaw Indians.
Q Then you claim under any and all treaties made between Choctaws and the United States Government? A Yes.
Q You do not base your claims upon any particular clause of any particular treaty? A No sir.
Q Do you claim under the supplement of the treaty of Dancing Rabbit Creek? A I don't know anything about the treaty.
Q Do you claim anything under the 19th article of that same treaty? A No sir.
Q Do you claim anything under the 14th article of that treaty? A I don't know anything about the treaties at all.
Q You said you claimed under all the treaties? A Yes all treaties that are beneficial to the tribe.
Q Do you claim any rights under the 14th article of the Dancing Rabbit Creek Treaty? A I claim that and all other treaties that are beneficial.
Q You do claim specifically under that one article? A Yes.
Q That alone? A And all others just as I told you.
Q Did either you or any of your ancestors ever take advantage of the provisions of the 14th article of the Treaty of Dancing Rabbit Creek? A I didn't and don't know of any of my ancestors.
Q Did either you or your ancestors ever receive any land under the 14th Article of the Treaty of Dancing Rabbit Creek? A No sir.

By Mr. L. D. Horton, his attorney:
Q In regard to your ancestors having taken land, do you know whether they did or not? A I told them I did not know.
Q You stated you were married in '86? A I said '86 before, but I should have said '85.
Q When were you born? A '57. Married 24.
Q About the age of your mother, are you certain about her age being only 52? A I think it was 52— I do not know she's an old lady and I cannot say just about how old she is.
Q About the different degrees or distinctions between Indians as to Indians by blood or Mississippi Indians, are you really advised as to these different distinctions? A No sir.
Q Where did your parents come from? A Mississippi.
Q State whether or not the fact that they came from Mississippi gave you the original idea that you were Mississippi Indians? A yes.
By the Commission:
Q Is there any additional statement in regard to your case that you wish to state? A No sir.
(Mr. Horton, his attorneys, states that they desire to file papers at a later date.)
The decision of the Commission with reference to your claim for identification for yourself and for your son as Mississippi Choctaws and the application of your wife as an intermarried Mississippi Choctaw will be furnished you in writing at a later date, mailed to your present postoffice address.
By Mr. Bixby:
Q Did I understand you to say that you testified before this Commission at Durant that you were a Mississippi Choctaw? A Yes.

M. D. GREEN, being duly sworn by Acting Chairman Bixby, testified as follows:
By Mr. Bixby:
Q What is your name? A M. D. Green.
Q What is your business? A Stenographer.
Q Are you in the employ of the Commission to the Five Civilized Tribes? A Yes sir.
Q The Government of the United States? A Yes sir.
Q How long have you been working for the Government of the United States under the Commission to the Five Civilized Tribes? A A little over a year.
Q Were you at Durant in 1899 employed as Stenographer? A Yes sir.
Q Is that your signature? (Handing witness paper). A Yes sir.
Q Did you take this testimony? A Yes sir.
Q Did you take all the testimony that was presented in this case? A Yes sir.
Q If this man Quillin had testified that he was a Mississippi Choctaw at that time would you have so stated in the notes? A Yes, certainly.
Q This is your official certificate, is it? (indicating). A Yes, it is.
(Carbon copy of testimony of Thomas Quillin given at Durant, Indian Territory, in 1899, to which is attached the official certificate of M. D. Green, stenographer, introduced in evidence, marked Exhibit A, and made a part of the testimony of M. D. Green).

Miss. Choc. R-84.
(4)

Brown McDonald, being sworn by Acting Chairman Bixby, says as Stenographer to the Commission to the Five Civilized Tribes, he reported in full the testimony of the witnesses Thomas Quillin and M. D. Green, and that the foregoing is a full, true and correct transcript of his notes.

Brown McDonald

Sworn to and subscribed before me this 20th day of June, 1900, at Colbert, Indian Territory.

Acting Chairman.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Quillin, for the identification of himself and his minor child Frank Quillin as Mississippi Choctaws, and for the identification of his wife, Lou Quillin, as an intermarried Mississippi Choctaw.

D E C I S I O N .

The record in this case shows that Thomas Quillin, appeared before the Commission at Colbert, Indian Territory, June 15, 1900, and there made application for the identification of himself and his minor child Frank Quillin, as Mississippi Choctaws, and for the identification of his wife Lou Quillin, as an intermarried Mississippi Choctaw.

The only legislation vesting this Commission with authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, is found in Section twenty one of the Act of Congress approved June 28, 1898, (Public No., 162), and is as follows, to wit:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty seven, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and report to the Secretary of the Interior."

After considering the application of the claimants, and upon a careful review of all evidence in support thereof, this Commission is of the opinion that the proof is insufficient to warrant the identification of the applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, con-

cluded September twenty seven, eighteen hundred and thirty.

It is therefore considered,ordered and adjudged by the Commission that the application for identification of Thomas Quillin,for himself and his minor child Frank Quillin, as Mississippi Choctaws and for the identification of his wife,Lou Quillin, as an intermarried Mississippi Choctaw, be, and the same is, hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Thomas Quillin for enrollment as a citizen by blood of the Choctaw Nation.

D E C I S I O N.

The applicant, Thomas Quillin, appeared before the Commission at Durant, Indian Territory, during the month of August, 1899, and there made application for enrollment as a citizen by blood of the Choctaw Nation.

From an examination of the records in possession of the Commission, and from the evidence in this case, it appears that the name of the applicant has never been upon any of the tribal rolls of the Choctaw Nation, and that the applicant was never admitted to citizenship in the said Nation by either the legally constituted authorities of the Choctaw Nation, by the Commission to the Five Civilized Tribes, acting under the Act of Congress of June 10, 1896, or by the United States Court in Indian Territory, on appeal from the decision of the Choctaw tribal authorities or the decision of the said Commission.

Therefore, the application of the said Thomas Quillin for enrollment as a citizen by blood of the Choctaw Nation is hereby refused.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Acting Chairman.

Muskogee, Indian Territory, _____ 1901.

Muskogee, Indian Territory, March 1, 1901.

Taylor Percival,

Marlow, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th of February relative to a controversy arising between certain citizens in your part of the Chickasaw Nation, Thomas Quillin, William C. Thompson , J. M. Hill and Winburn Jones, as to their right to hold certain land, and also inquiring as to the rights to citizenship and enrollment of these parties .

The Commission has to inform you that it cannot consider or render any opinion as to the rights to possession of any certain tracts of land by citizens of the Choctaw and Chickasaw Nations. This is a matter which will properly come before a land office when such is established in the Choctaw-Chickasaw country for the purpose of allowing the citizens of these two nations to make selection of and file upon their allotments.

As to the parties of whom you inquire, our records show that Thomas Quillin, 45 years of age, of Oscar, Indian Territory, appeared before the Commission at Colbert, Indian Territory on June 15th, 1900 and made application for theidentification of himself and his son, Frank Quillin, as Mississippi Choctaws. The Commission now has under consideration this application and will in a short time render a decision, a copy of which will be mailed to Mr. Quillin.

T P 2

As to Winburn Jones the records of the Commission show that on June 19th, 1900 at Colbert, Indian territory, Mr. Jones appeared before the Commission and made application for the identification of himself and seven minor children as Mississippi Choctaws. A judgment refusing the application of Mr. Jones and his children was on February 15th, 1901, mailed to him at Marlow, Indian territory.

The records of the Commission show as to J. M. Hill of whom you inquire, that on September 24th, 1898, J. M. Hill, 51 years of age, together with his wife, Amanda Hill and their minor children, were duly listed for enrollment as citizens of the Choctaw Nation in pursuance of a judgment of the United States court for the Southern District of the Indian Territory rendered at Ardmore, Indian territory, March 8th, 1898 in court case No. 149.

As to William C. Thompson, the records of the Commission show that on June 19th, 1900, at Colbert, Indian territory, William C. Thompson appeared before the Commission and made application for the identification of himself and his wife, his grand niece, Sarah T. Stubblefield and his nephew, William E. Thompson as Mississippi Choctaws. The Commission after a consideration of the testimony offered by Mr. Thompson and the evidence filed in support of his application on February 16th, 1901 rendered a decision refusing the application of William C. Thompson, for the identification of himself, his wife, his niece and his nephew as Mississippi Choctaws. A copy of the decision was mailed to Mr. Thompson at Marlow, Indian Territory on the date above given.

Yours truly,

M C B 341
M C B 370

Acting Chairman.

COMMISSIONERS.
HENRY L. DAWES,
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 22nd, 1901.

Thomas Q#illin,

Oscar, I.T.

Dear Sir:

There is enclosed you herewith a copy of the Commission's decision refusing your application and the application made by you on behalf of your minor child for identification as Mississippi Choctaws, and also for your wife, as an inter-married Mississippi Choctaw.

Yours truly,

Acting Chairman.

encl.
Reg.M.
M.C.R. 84

Muskogee, Indian Territory, September 15, 1901.

Mr. Thomas Quillin,

Oscar, Indian Territory.

Dear Sir:

In the matter of the applications for identification as Mississippi Choctaws of

Cam C. Quillin, et al.,
William E. Quillin, et al.,

you are informed that under date of July 31, 1901, the Commissioner of Indian Affairs remanded to this Commission the records theretofore forwarded the Department for approval, with instructions that an opportunity be granted for the introduction of additional testimony of applicants or witnesses in person in support of such applications.

Our records show that you appeared before this Commission at Colbert, Indian Territory, on June 15, 1900, and applied for the identification as Mississippi Choctaw [illegible] yourself and minor child, claiming descent from the same common ancestor, and for the identification of your wife as an intermarried Mississippi Choctaw.

In accordance with such instructions, you are hereby notified that at the office of the Commission to the Five Civilized

T.Q. #2

Tribes at Atoka, Indian Territory, on Tuesday, November 12, 1901, at 9:00 o'clock A.M. there will be heard the testimony of such witnesses as you may desire to present in person in support of your application.

Yours truly,

M.C. 84

M. C. R. 84.

COPY.

Muskogee, Indian Territory, March 3, 1902.

Thomas Quillin,

Oscar, Indian Territory.

Dear Sir:-

You are hereby advised that on the third day of March, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilburn Quillin, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilburn Quillin, et al.,	M C R 81
Allen H. Quillin, et al.,	M C R 82
Benjamin Franklin Quillin, et al.,	M C R 83
Thomas Quillin, et al.,	M C R 84
William J. Stanfield,	M C R 95
Teressa C. Quillin,	M C R 110
Cam C. Quillin, et al.,	M C R 109
Charles H. Quillin,	M C R 236
William H. Quillin, et al.,	M C R 326
Minerva C. Viars, et al.,	M C R 360
Florence Bone, et al.,	M C R 362
Amanda C. Jamison, et al.,	M C R 364
Mary H. Stanfield, et al.,	M C R 365
Charles C. Quillin, et al.,	M C R 469
Mary A. Montgomery, et al.,	M C R 482

Said decision, after a review of the evidence submitted, concludes as follows:

"The authority vested in the Commission by the 21st section of the act of Congress of June 28, 1898, is as follows:

'Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded

T. Q. .. E.

September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior.'

"It is the opinion of the Commission that the evidence in this case is insufficient to determine the identity of William Wilburn Quillin, Allen H. Quillin, William T. Quillin, Lucy Catherine Quillin, Benjamin Franklin Quillin, Neva C. Quillin, Thomas Quillin, Frank Quillin, William J. Stanfield, Cam C. Quillin, Alberta Quillin, Charles Quillin, Charles E. Quillin, William E. Quillin, Alice V. Quillin, Willie May Quillin, Florence A. Quillin, Minerva C. Viars, Lawrence G. Quillin, Florence Bone, Frances Viars, Tommy Elizabeth Bone, Catherine Bone, Joseph C. Jamison, Amanda C. Jamison, David K. Jamison, William Q. Jamison, Mary E. Stanfield, Charles F. Jamison, Charles C. Quillin, Nellie Lee Stanfield, Mary L. Quillin, Virginia P. Quillin, Carrey C. Quillin, Hazel V. Quillin, Mary A. Montgomery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of law above quoted; that the applications for their identification as such should be refused, and it is so ordered.

"In view of the fact that a motion was heretofore made by the attorneys for the applicants withdrawing the applications made by William Wilburn Quillin for his wife, Kizziah E. Quillin; by Allen H. Quillin for his wife, Orrie Quillin; by Thomas Quillin for his wife, Lou Smith Quillin; by Mary E. Stanfield for her husband, Joseph Stanfield; by Cam C. Quillin for his wife, Fairy Quillin; by Teressa C. Quillin, as the wife of Charles C. Quillin, deceased; by William E. Quillin for his wife, Tennessee E. Quillin; by Florence Bone for her husband, Robert H. Bone; by Charles C. Quillin for his wife, Bessie J. Quillin; by Amanda C. Jamison for her husband, Frank G. Jamison; by Mary A. Montgomery for her husband, George Montgomery; by Benjamin Franklin Quillin for his wife, Fannie Pullen Quillin, as intermarried Mississippi Choctaws, and that the said applications were dismissed by the Commission, no further consideration of their cases is necessary."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review, and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED) [illegible]

Registered.

Commissioner in charge.

F. C. N. 84

Muskogee, Indian Territory, May 2, 1902.

Thomas Quillin,

Oscar, Indian Territory.

Dear Sir:

You are hereby advised that on April 22, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilburn Quillin, et al., of which decision you were advised by registered mail on March 3, 1902.

Yours truly,

Commissioner in Charge.

MEMORANDA.

(Date) ..... 15, 1899.

Name .....

Choctaw? ..... County ..... Year ..... No.

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day, ...

Wife's name, ... (before marriage)

Choctaw? ..... County ..... Year ..... No. .....

Chickasaw? ..... County ..... Year ..... Page .....

Citizen by blood? ..... Mother's citizenship .....

Intermarried citizen? .....

Married under what law? .....

License filed this day .....

FOR IDENTIFICATION AS A MISSISSIPPI CHOCTAW.

Names of children:

(4) ..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

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..... County ..... Year ..... Page ..... No. .....

..... County ..... Year ..... Page ..... No. .....

did not know

2160-1901.

MC R 84 Thomas Quillin, et al

On June 15, 1901, Thomas Quillin, 43 years old, of Oscar, I.T. appeared before the Commission at Colbert, I.T. and made application for identification of himself and his son Frank as Mississippi Choctaws. No judgment has been ~~xxxxxxxxxxxxx~~ rendered in this case, but judgment has been written, and may be among those in Muskogee at this time.

Our index does not show the names of J. M. Hill or Jim Hill Jr. as having appeared as applicants for identification as Mississippi Choctaws. If he wishes further information it will be necessary to have full names, &c. in order to locate them.

Atoka,
February 26,1901

AB

84

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 15 1902

ACTING CHAIRMAN

OSCAR
JUN 16
1902
I.N.D.T.

MUSKOGEE, I.N.D.T.
MAY 3
7:30PM
1902

Department of the Interior
Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, $300.

Unclaimed
Returned to Sender

~~Thomas Quillen~~
~~Owens~~
~~[illegible]~~

7

84

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 17 1902
Acting Commissioner

RECEIVED. JUN 17 1902

Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, $300.

OSCAR JUN 14 1902 IN D.T.

REGISTERED APR 3 TER.

register 220 13

Unclaimed

Returned to sender

5719

Thomas Quillen
Oscar
Ind Ter

END
OF
ROLL